THE CASE OF CONSCIENCE SOLVED;

OR

THE CATHOLIC CLAIMS

PROVED TO BE COMPATIBLE WITH

THE CORONATION OATH.

IN A LETTER

FROM A DIVINE IN THE COUNTRY TO HIS FRIEND IN TOWN.

WITH

A SUPPLEMENT

IN ANSWER TO

Considerations on the Coronation Oath, by J. REEVES, *Esq.*

BY THE REV. J. MILNER, D.D. F.S.A. &c.

SECOND EDITION, CORRECTED AND ENLARGED.

TO WHICH ARE ANNEXED,

Observations on a Publication by the Rev. T. LE MESURIER, entitled, "A Sequel to the serious Examination into the Catholic Claims, containing "a more particular Enquiry into the Doctrines of Popery, &c. &c."

"DECIPIMUR SPECIE RECTI."—Hor.

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TO THE

RIGHT HONOURABLE

WILLIAM WINDHAM, M. P.

&c. &c. &c.

SIR,

IN prefixing your name to the publication of the following pages (an honour which I did not aspire to in composing them), I am, at the same time, gratifying my sentiments as an individual, who, unknown to you, is eager to embrace an opportunity of expressing his deep obligations to you; and as a moral writer, who, confident both of the goodness of his cause, and of the force of his arguments, wishes his work to be reviewed by a man of the most upright principles, and the keenest penetration. The latter quality has never been denied to you, Sir, by your greatest enemies; and the former, which was eminently exerted at your entrance into office, has been incontestibly demonstrated at your retiring from it. As, under the general calamities of the times, we console ourselves with reflecting that we suffer these in a just and honourable cause; so, in this last and unexpected calamity, which has deprived our Sovereign of his most able and faithful ministers, one comfort remains to us, that this has happened, not through a want of principle in either party, but through a collision

of principle between them. If the following Essay should, in the smallest or the most remote degree, tend to the removal of that calamity, it will be a lasting subject of inexpressible satisfaction to,

SIR,

Your most faithful and obedient Servant,

THE AUTHOR.

Postscript to the Second Edition.

HAVING congratulated with you, Sir, six years ago, on the rare example your conduct then displayed in sacrificing dignity and emolument to principle, it affords me inexpressible pleasure to be able to repeat those congratulations at the present time, when Europe beholds you, in conjunction with other illustrious characters who form the best hopes of the country, acting the same honourable and conscientious part. That narrow-minded men should injure their own cause, and that ambitious men should grasp at every means of preferment is not surprising; but it would have been a truly strange and singular instance in the life of Mr. Windham, if for the sake of present favour, or any personal interest under heaven, he had entered into engagements, which might eventually prove incompatible with the permanent advantage of his Sovereign and the salvation or the prosperity of the British Empire.

March 30, 1807.

PREFACE

TO THE

SECOND EDITION.

THE first part of the following work was originally addressed by the Author to an Honourable Friend of his, a Member of the Imperial Parliament, though afterwards, on the motives here assigned, it was dedicated to the Right Honourable Gentleman the late Secretary of State for the War Department. It was probably the first performance on the subject which was committed to the Press; but a few of the proof copies having been communicated to certain eminent personages, then in power, and they deprecating the public discussion of the question it treats of, whilst they warmly applauded the performance itself, it remained for some weeks unpublished. At length other works on both sides of the question

appearing, and being exposed to sale, every reason ceased for this remaining suppressed any longer.

Amongst the publications here alluded to were two editions of the celebrated *Considerations on the Coronation Oath, by John Reeves, Esq.*, from the contents of which it appeared that one of the private copies of *The Case of Conscience* had fallen into his hands, and had drawn forth some *Observations* from him in the Appendix to his work. These circumstances induced the writer to address to that Gentleman the present *Supplement* and *Postscript*.

A repetition of nearly the same political events which occasioned the former edition of this work, about six years ago, having now called for a second edition of it, the Author embraces the opportunity of giving some account of the reception which it has hitherto met with.

An intimation has already been given, that a considerable number of the eminent personages who constituted His Majesty's Ministers at the beginning of the year 1801, some of whom are now in power, whilst others have recently quitted it, warmly applauded the performance. Indeed most of them expressed their approbation of it under

their own hands. Amongst these was their great *Coripheus*, the late Mr. Pitt. The public Reviews also passed a most favourable judgment of it, as appears by the following extracts from them.——"The author of this "sensible and well written pamphlet," says the Monthly Reviewer, speaking of *The Case of Conscience*, "has confirmed us in our sen- "timents. He has evidently considered the "question with great and due attention, and "he supports his opinion both by historical "and theological evidence. We are also "presented with a curious and interesting "statement of the several oaths by which "our Sovereigns were bound at different "periods of our history; and the writer "shews, in a satisfactory manner, that the "oath, introduced at the Revolution, and "which has been continued ever since, does "not restrain the Prince in matters of reli- "gion, in a greater degree, than the oaths "did which preceded it. We have perused "this publication with pleasure, and we re- "commend it to the attention of our read- "ers." Monthly Review for May 1801.

The Critical Reviewer is equally decided, and still more copious in his commendations of *The Case of Conscience*. Amongst other things in its favour, he says: "The object

" of this work is (and we think the author " has perfectly succeeded in the attempt) to " show that the coronation oath cannot stand " in the way of the proposed emancipation; " and, with this view, the author examines " the nature of this oath at various periods " of our history, beginning with that of " William the Conqueror. It is evident " that in all these æras the Sovereign was " equally sworn to maintain the religion " established; but this did not prevent a " multitude of innovations during the reigns " of our Popish Monarchs; it did not pre- " vent the abolition of Popery in the reign " of Henry VIII., or its restoration in " that of Mary; the abolition of Popery " and the restoration of Protestantism by " Elizabeth; the concession of Maryland to " the Catholics by Charles I.; the repeal of " the Act *De Hæretico Comburendo* by Charles " II.; the establishment of Presbyterianism " in Scotland by Queen Ann; the esta- " blishment of Popery in Quebec and Cor- " sica, and various Acts in favour of the " Catholics by our present Sovereign, toge- " ther with various other circumstances af- " fecting the toleration of Quakers and other " Dissenters. Hence, if precedents be con- " sulted, there is nothing in the coronation

" oath to prevent the total emancipation of
" Catholics. But the oath itself is of a na-
" ture that evidently admits it; it is a pro-
" missory oath, but an oath which allows of
" restrictions. For all promissory oaths are
" not of eternal obligation, since some are
" capable of being varied or entirely annul-
" led. Such indeed is the nature of pro-
" missory oaths in general; but it is pe-
" culiar to them that they may cease by
" abrogation on the part of those persons
" who have proper authority over the parties
" themselves, or over the subject matter of
" the oath or other engagement. Now the
" coronation oath owes its existence to Par-
" liament, the supreme legislative authority
" in the land, which can even alter the esta-
" blished religion of the land. But that which
" can alter the whole can evidently alter a
" part: and if the emancipation of the Ca-
" tholics were really an alteration of the
" established religion, the legislature would
" evidently be competent to make it, and
" the King's oath would be no real obstacle
" to the measure. His oath is to maintain
" that religion which is established, and as
" long as it is established by the legislature.
" This point is well maintained in the work
" before us; and consequently it is evident

" that the King may, consistently with his " coronation oath, grant the emancipation " of the Catholics, which does not, more- " over, in the remotest degree, affect the " established religion in its rites, its reve- " nues, its discipline or its faith.

" The Supplement to this very judicious, " sensible and moderate letter, enters in- " to the examination of some objections " made by Mr. Reeves to the proposed " emancipation, who is properly corrected " for his observation, that this was an unex- " pected measure; for his ignorance of the " nature of oaths, and for his strange assump- " tions that a Parliament in the reign of " William III. could controul the operations " of a Parliament in the reign of George " III., and that we were eternally to be sub- " ject to the creed of our ancestors, &c." Critical Review for December 1801.

The writer will now proceed to give some account of the public censures which have been passed upon his work, with some observations upon those censures. The most generally known of these occurred in the speech of Dr. Patrick Duigenan, in the House of Commons, May 13, 1805, on the Petition of the Irish Catholics, where, heaping together reproaches upon reproaches against persons

of their communion, he accused the author of inculcating wicked doctrine in the following passage garbled from *The Case of Conscience*. "Every human law, and every "promise, or other engagement, however "confirmed by oath, must necessarily turn "upon the cardinal virtue of prudence, "which implies that it depends, as to the "obligation of fulfilling it, in such and such "circumstances, on the question of expedi-"ency." The Orator, it is to be observed, had not the honesty to state that the writer was here answering a most absurd and dangerous position of Mr. Reeves, in which the latter says: "the obligation of the oath is "not to be debated, either in or out of Par-"liament, on the various topics of general "policy or national utility *." This is as much as to say, that if the nation were in as great danger as it was at the Norman Invasion, and that a Catholic general or army were at hand to save it, the King, in consequence of his oath to defend the Protestant religion, would not be at liberty, even under the sanction of Parliament, to give them a commission to this effect! With equal disingenuity the Orator suppressed the passage

* Considerations, &c. p. 3.

subsequent to the one here quoted, from which it is evident, both by the terms themselves and the illustration there adduced, (namely, that of a man who had sworn to deliver up a sword which he afterwards apprehends will be employed for the purpose of murder), that the prudence which the author speaks of is not an attention to temporal advantage, but a virtue which weighs the obligation of one duty with another when they seem to be opposed, and that the *expediency* which he mentions has not for its object the acquisition of money, but the performance of the greater and more pressing duty in the existing circumstances.

By such artifices as those pointed out, Dr. Duigenan succeeded in impressing the House of Commons and the Public at large with a most horrible idea of the writer's morality. His triumph however was exceedingly short; for on the following evening the truly learned English Civilian, Dr. Laurence, in the same Honourable Assembly tore off the visor which had been fixed on the writer, and, in a detailed and luminous discussion completely vindicated his doctrine concerning oaths. "He shewed," says one of the Parliamentary Reporters, speaking of Dr. Laurence, "by a "reference to the context and to the abstract

" nature of the cardinal virtue of prudence, " that the passage (in *The Case of Conscience*) " so severely commented on by the learned " Gentleman (Dr. Duigenan) was perfectly " justifiable *." Another Honourable Member also, who was unable to deliver his sentiments at large in the course of the Debate, has, since that occasion, with equal spirit and force of argument, corrected the statement of the Member for Armagh †.

It was to be expected that so clear and impressive a refutation of the calumnious charge, and one so publicly known as that of Dr. Laurence, would have laid it to rest. This, however, did not prove to be the case. For some months afterwards a certain Rev. Gentleman having to get up a fifth of November sermon, and choosing to make the author and his writings the sole subject matter of it, was reduced to take up the blunted and broken weapon of Dr. Duige-

* This is quoted from the very compressed Report of Stockdale. The more detailed reports, as they do greater justice to the speaker, so they more amply vindicate the writer. That published by Cobbett, of which the writer was not apprised till very lately, is the fullest, and there is reason to believe the most correct.

† See *the Substance of Additional Observations intended to have been delivered in the House of Commons in the debate on the Petition of the R. Catholics of Ireland, May* 13 *and* 14, 1805, *by Sir John C. Hippisley, Bart. LL. D. &c.*

nan *. It is true he professed not to borrow it from the Irish Doctor, but from a certain Rev. Mr. Le Mesurier, who had published some pamphlet, or postscript to a pamphlet, against the writer. Indeed, it appears that the latter was so little sensible of the discredit Dr. Duigenan had done himself by the misrepresentation in question, as to boast that he was the original inventor of it, and that he lent it to the Parliamentary declaimer †. These circumstances brought on a long controversy in the *Gentleman's Magazine*, between the writer and his two Rev. calumniators ‡, who, though of different extractions, have shown themselves to be animated with the self same spirit of chicanery and disingenuity. It were an easy though disgusting task to unravel the whole lengthened thread of their sophistry; but it is quite sufficient, for the present purpose, to mention that the author demonstrated the purity of his doctrine, by the context of the passage objected to; by the whole tenor of his work, which reprobates in the most energetical terms the practice "of weighing

* Sermon preached before the University of Oxford by the Rev. R. Churton, Rector of Middleton, &c. Nov. 5, 1805.

† Gent. Mag. Jan. 1807, p. 31.

‡ Ibid. Sept. Decem. 1806. Jan. March, 1807.

" politics against principle *," and " the at-
" tempt to reason any one out of the reli-
" gion which he attaches to an oath †;" by the authority of Dr. Laurence, and by the sacrifices which Catholics constantly make, and those which the writer himself makes to the sacred obligation of an oath. But useless were all these arguments with men who were resolved not to be convinced. When baffled in every other quarter, they still return to the original garbled passage, and stun the author with exclaiming to him: *We have your own words: you cannot deny your having published that " every human law, promise and oath, " turns upon prudence, and that the obligation of " fulfilling it, in such and such circumstances, is " a question of expediency."*—Well, if it must be so, the author is content to be judged by this self same garbled passage just as it stands; and he maintains that the objections of his reverend cavillers to the strict truth and morality of it, prove them to be ignorant of the first principles both of Pagan Ethics and Christian Theology. It is true, a grovelling tradesman or unprincipled benefice-hunter says: *it is prudent to take this unlawful gain; it is expedient to swear this oath, though against my conscience.* But the science of

* Page 7. † Page 84.

Ethics teaches that prudence is one of the four *cardinal* or *hinge* virtues upon which every good action must essentially turn; and that its office is to *point out what is to be done, and what is to be avoided on every occasion, with reference to the ultimate end of man.* Hence we learn even from the mouth of a Pagan Philosopher, that *omne honestum est utile*:* whilst the Divine Founder of Christianity more emphatically inculcates, that *it is not profitable* (or expedient) *to a man to gain the whole world with the loss of his soul* †.

* Cic. de Offic.

† Matt. xvi. 26. Mark viii. 36. Luke ix. 25.

ERRATA.

Page 30, line 28, *for* Juxton, *read* Juxon.
89, last line, for *Atride*, read *Atridæ*.
90, *for* Hugenots, line 6 Appendix, *read* Huguenots.
96, top line, *before* every country, *insert the words* Catholics of.

THE

CASE OF CONSCIENCE

SOLVED,

&c. &c.

DEAR SIR, *Feb.* 16, 1801.

I DO not know whether I have derived more satisfaction or concern from the existence of the Case of Conscience upon which you have called for my opinion. I rejoice exceedingly at this signal demonstration of a strict and firm conscientious principle in the head of the United Kingdom. It is in perfect unison, indeed, with the tenor of his exemplary conduct since he has risen to the exalted station which he holds: but never has he given to his subjects, and to all the civilized world, a more striking lesson of virtue, or one that they stand more in need of than on the present occasion. Amongst the vices which have most contributed to extinguish the sentiments of religion and morality in these profligate times, and, I fear, to call down upon us the judgments of the God of truth, are profane swearing and perjury. The ears of the serious Christian are wounded by these impieties wherever he meets his fellow

creatures: and it is notorious that many, very many of those who profess to believe in a holy and omniscient Deity never address themselves to him, or mention his name, but to insult him by their false, or at least their rash oaths. Nor are these much less common, at the same time that they are more enormous, in those more solemn invocations of the Almighty, which by a defect in our laws are multiplied, beyond all bounds in the election for offices, in the admission to them, in collecting the customs, excise, taxes, and briefly in almost every civil transaction of life. The little respect which is paid to oaths of this nature is generally known, and the effects of this facility of swearing, amongst other evils, are fatally experienced in the courts of justice, to which perhaps, generally speaking, it would be well if oaths were confined. In these circumstances what lesson so seasonable or so impressive, concerning the sacred obligation of an oath, could have been given, as that which the delicacy of his Majesty's conscience concerning the import of his Coronation Oath affords?

But whilst, as a moralist, I rejoice at this triumph of principle, as an Englishman, I bewail the political consequences with which it has been and may hereafter be followed; already has it driven from the helm of the State, the chief pilots, to whose talents and experience it looked

looked up for safety under the most tremendous storm that has assaulted it for more than a century. Its friends and defenders are confounded and abashed, in the same proportion as its enemies, foreign and domestic, rise in their confidence. But if the present effects of this conscientious difficulty, in a political point of view, are so fatal, what are those future evils likely to be, which a Pitt, a Grenville, a Spencer, a Cornwallis, a Camden, and a Windham shrink from contending with in the service of their country! Not, Sir, that I weigh politics against principle; on the contrary, my maxim is, *Fiat justitia et ruat cælum*. But really, Sir, after having examined the supposed opposition between the proposed measure of Catholic Emancipation and the Coronation Oath, with all the attention in my power, I am convinced that it is purely ideal, and that the apprehension of it is a mere scruple, like others of the same nature which are frequently found in virtuous and timid consciences. I shall endeavour to support my opinion first, by historical, and then by theological evidence.

The celebrated Blackstone seems to have been unable to trace the Coronation Oath higher than the time of Bracton, in the reign of Henry III. (1) Nothing however is more clear from our original historians than that if it was not in use during the Saxon Dynasty (as we cannot help thinking

(1) Commentaries on the Laws of England. Book 1. ch. 6.

it must have been), (1) it was at least constantly taken by our Monarchs from the period of the Norman Conquest, and that it was in substance the same, with the oath which is in force at the present day; though certain additions were sometimes made to it as particular circumstances seemed to require. What William the Conqueror swore at his Coronation, was to the following effect: *That he would defend the Church and its Prelates, that he would govern his People with justice, that he would make and keep good laws, and that he would put a stop to rapine and unjust decisions in the courts of justice.* (2) In addition to all these

(1) "Edwardus (Confessor) magnâ pompâ apud Winto-"niam Coronatus, ab Edsio Achiepiscopo sacra regnandi præ-"cepta edoctus, quæ ille tunc memoria libenter recondidit "& postea sanctè factis propalavit." *Will. Malm. De Gest. Reg. Ang. L.* 2. N.B. If this passage does not prove that the officiating primate administered an oath to the Confessor at his Coronation, it renders it at least probable. A stronger presumption, however, of this practice, with respect to the Saxon period, is the ready compliance of the Conqueror with it, as we shall observe in the next quotation to have been the case.

(2) "Ab Aldredo Eboracensium Archiepiscopo in West-"monasterio consecratus est honorificè. Sed prius, ut idem "Archipræsul ab eo exigebat, coram clero & populo, jure-"jurando promittens se velle sanctas Dei ecclesias ac rectores "earum defendere; necnon et cunctum populum sibi subjec-"tum justè ac regali providentiâ regere; rectam legem sta-"tuere & tenere, rapinas, injustaque judicia penitus inter-"dicere." *Rog. Hov. Annal. Pars Prior. Will. Sen.*

general

general promises, his son, Henry I. swore, at his Coronation, that he would redress certain specific grievances in Church and State, which were complained of during the reigns of his father and brother; amongst these seems to have been the curfew edict. (1) We have the Coronation Oath of King Stephen at full length, which is still more explicit than that of his predecessor, with respect to the grievances felt by the Nation. (2) But what is most remarkable on this occasion, and perhaps without parallel is, that the prelates (probably also the nobles) swore allegiance to the King *conditionally*, that is to say, for as long a time as he should keep his Coronation

(1) "Henricus pergens Londoniam sacratus est ibi a Mauritio Londoniensi Episcopo, melioratione legum & consuetudinum optabili repromissa." *Hen. Huntin. Hist. Lib.* 7. "Consecrationis suæ die S. Dei Ecclesiam, quæ fratris sui tempore vendita & ad firmam erat posita, liberam fecit, & omnes malas consuetudines & iniquas exactiones abstulit, &c. legem Regis Edwardi omnibus in communi reddidit." *Rog. Hov. Annal. Pr.* 1. *Hen.* I. "Injustitias a fratre & Ranulpho institutas prohibuit—lucernarum usum noctibus in curia restituit—aliquarum moderationem legum revocavit in solitum sacramento suo," &c. *Will. Malm. Lib.* 5.

(2) "Ego Stephanus, Dei Gratia assensu cleri & populi in Regem Angliæ electus & a D. Will. A. Cant. consecratus promitto," &c. *Will. Malm. Hist. Novel. L.* 1. "Stephanus Oxonfordiam perrexit ubi confirmavit pacta quæ Deo & populo & S. Ecclesiæ concesserat in die coronationis suæ." *Rog. Hov. Annal. Pr.* 1. *Steph.*

Oath.

Oath. (1) We have also the terms of the Oath that Richard I. took at his Coronation, which are confined to the general duties of a Sovereign, and do not appear materially to differ in their meaning from those now in use. (2)

It will be admitted, I presume, without controversy, that the most solemn engagements which King John entered into with his subjects, and which were no less binding upon him than his Coronation Oath, were those contained in the *Magna Charta*. I have special reasons for dwelling upon this charter, because, on one hand, it is understood to be still, in a general way, obligatory upon the Sovereign, and indeed virtually to form part of his present oath; and because, on the other hand, it would appear, that without the application of some of those rules, which will hereafter be laid down, the very first article of it nei-

(1) "Juraverunt Episcopi fidelitatem regi, quamdiu ille "libertatem Ecclesiæ & vigorem disciplinæ conservaret." *Novel. L.* 1.

(2) "Flexis genibus ante altare coram positis sacrosanctis "Evangeliis, & plurimorum sanctorum reliquiis, ut moris est, "juravit quod ipse omnibus diebus vitæ suæ pacem & honó-"rem atque reverentiam Deo & S. Ecclesiæ et ejus ordinatis "portaret, quod rectam justitiam & æquitatem exerceret in "populo sibi commisso, quod malas leges & consuetudines "perversas, si quæ in regno suo inductæ sunt, deleret, et "bonas leges conderet & sine fraude, & malo ingenio custo-"diret." *Rog. Hov. Pr.* 1. *Ric.* I.

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ther is now, nor ever has been observed, since that palladium of freedom was first framed and consecrated by solemn oaths. In fact, the first specific grievance which was therein guarded against, was that of the Sovereign's interfering in elections to bishoprics and other ecclesiastical benefices. This concession is expressly stated to be necessary for the liberty of the Church.(1) Accordingly the faithless John, to create a belief that he was resolved to abide by the terms of this charter, began by issuing an order for the freedom of ecclesiastical elections.(2) The truth however is, the discipline of the Church was new modelled in this point soon after the period in question, and it was rightly judged sufficient to observe this article of the charter to the satis-

(1) " Joannes Dei gratia Rex Angliæ, &c. sciatis nos, &c. " in primis concessisse Deo, & hac præsenti charta nostra con- " firmasse pro nobis & hæredibus nostris in perpetuum, quod " Anglicana Ecclesia libera sit, & habeat jura sua integra, suas " & libertates illæsas, & ita volumus observari, quod apparet " ex eo, quod *libertatem electionum, quæ maxima & magis* " *necessaria reputatur ecclesiæ Anglicanæ*, mera & spontanea " voluntate, ante discordiam inter nos & barones nostros " manifeste motam concessimus, & charta nostra confirmavi- " mus & eam obtinuimus a D. P. Innoc. III. confirmari: " *quam et nos observabimus.*" *Mat. Paris. Hist. Angl. Joan.*

(2) Our historian adds, immediately after giving us the terms of the charter: " Concessit insuper eodem anno Rex " Johannes, ut pronius corda prælatorum & magnatum sibi " conciliaret, liberas in omnibus Ecclesiæ Angliæ electiones." *Ibid.*

faction

faction of the party in whose favour it was sworn.

But to come down to what are called modern ages. Did not Henry VIII, Edward VI, Mary and Elizabeth, (1) each in succession, swear to support the established religion? and yet did not they, each in succession, promote the greatest changes in it? No doubt they satisfied themselves with the consideration that they had the authority of Parliament for what they did, and, no doubt, their respective divines assured them that no oath could stand in the way of their duty, or be preventive of a greater good. It was the last mentioned of these Sovereigns, who, with the greatest propriety, may be called the civil foundress of the present Church of England. Accordingly she fenced it round with the most severe persecuting statutes and edicts, not only against Roman Catholics, but also against Dissenters of every description; ten of whom she actually caused to be burnt, or otherwise put to death, for Arianism or Brownism. This cruel method of promoting the established religion, I grant, has long been viewed with horror by its best friends, but I mention this to shew, first, that the Church has other enemies, and those who have been con-

(1) Elizabeth was crowned, and took the oath according to the Roman Pontifical. See Collier's *Eccles. Hist.* vol. 11: p. 412.

sidered

sidered as still more dangerous to it than Catholics; secondly, to prove that, from a change of circumstances, or a diversity of views, its most zealous supporters have pursued quite opposite measures for the self-same effect.

James I, I believe, was the first of our monarchs who swore to keep the franchises of the clergy *according to the laws of God and the true profession of the gospel established in this kingdom*,(1) by which was meant the Church of England; and he proved his sincerity not only by discouraging the religion in which he himself had been educated, but also by occasionally putting in execution the existing laws against Roman Catholics and Socinians. (2) Nevertheless he valued himself, as he declared in Parliament, upon being "a skilful rider, who sometimes uses the reins and not always the spur." (3) He accordingly skreened the

(1) Collier gives this oath at full length, as taken by Charles I, and proves that it corresponds with the copy which previously existed in the Exchequer. It is plain however from my last note, that the words which I have cited in italics did not exist in their present form previously to the Coronation of James I. *Eccles. Hist.* vol. 11. p. 736.

(2) Of the former, between twenty and thirty persons suffered death in this reign, for the exercise of their religion: of the latter two, namely, Whitman and Legat were burnt, for errors concerning the Trinity.

(3) King James's Answer to a petition of both Houses of Parliament against Popish recusants, A. D. 1623. *Rushworth*, vol. 1.

Catholics from the severity of the persecuting statutes on different occasions, particularly whilst projects were on foot for the marriage of his son, first with a Princess of Spain, and afterwards with Henrietta of France; (1) and he employed various noblemen of that religion in his service.

King Charles I is called the Martyr of the Church of England, and as such he is rubricated in the Calendar of the Common-Prayer Book. (2) Yet he gave his assent to the bill for excluding bishops from sitting in Parliament, in order, as it appeared at the treaty of Uxbridge, to prevent their entire degradation. He afterwards, at a still more calamitous period, yielded to a greater curtailment of their power and dignity, (3) for the purpose of preserving the establishment from sinking into absolute Presbyterianism. He employed Catholics to fight his battles, because he found none of his subjects more zealous or faithful than they were in defending him. Finally, he gave up one of the American Colonies, Maryland (4) to a Roman Catholic, Sir George Calvert, as a place of refuge for those of his communion, wisely judging that it was for the interest of the establishment,

(1) See *Exemplar Litterarum Magni Sig. Cus. ad Regni Jud. Aug.* 12, 1622. *Fuller's Ch. Hist.*

(2) January 30.

(3) At the conferences in the Isle of Wight.

(4) *Wood's Athen. Oxon.* Calvert. *Maryland Charter.*

both

both in Church and State, to provide what counterpoise he could, in these partisans of Monarchy, against the encreasing strength of the levelling Puritans. We know that, at his death, he expressed his grief for having sacrificed his faithful minister, Strafford, to the malice of their joint enemies; but it does not appear that he expressed any remorse at the idea of having violated his Coronation Oath in the abovementioned instances, nor has he been ever reproached with such violation by any true Churchman. Most of the legislative acts in which the royal Martyr's son, Charles II concurred, were of an intolerant nature, because such measures appeared to the angry temper of the times necessary for the preservation of the National Church. Non-Conformists were excluded from corporations, &c.; (1) Quakers were punished for refusing oaths; (2) and the doors of both Houses of Parliament were shut against Catholic peers and commoners, unless they were content to swear that the *Mass was idolatrous*, and that the *Invocation of the Saints, as used in their Church, was also idolatrous.* (3) This was a measure

(1) 14 Car. II. cap. 4. 17 Car. II. cap. 2. 22 Car. II. cap. 1.

(2) 13 and 14 Car. II. cap. 1.

(3) 25 Car. II. cap. 2. 30 Car. II. cap. 1.—It is far from my intention to enter into any controversial dispute: but where the question turns upon the conscientiousness of oaths,

 may

sure of severity, which had not been resorted to in the hottest period of Elizabeth's persecution. In fact, it was only now adopted in consequence of the nation's being in a state of perfect infatuation, from the fear of, what is called, Oates's plot; a plot which is now universally allowed to have had no existence but in the corrupt heart of Shaftsbury, and his associates. One tolerant act however passed in this reign, which Calvin and Cranmer would have judged absolutely inconsistent with the existence of Christianity—that for abolishing the writ *De Heretico comburendo.* (1) Independently of this, the Mahometans were left in peace at Tangiers, and the Pagans in Bombay, both which places became dependencies of Britain, by the king's marriage with Catharine of Portugal.

I pass over the reign of James II, because he is supposed to have really aimed at the destruc-

may it not be asked, whether all those who are required to swear, in the form prescribed by the act last referred to, have made that study of the Catholic service, as to be able to declare upon oath, that it is *idolatrous?* Certain it is, that many illustrious Protestant divines, in the present, as well as in the past times, are very far from treating Roman Catholics as Idolaters. Accordingly Bishop Gunning declared in Parliament that he could not swear to the clauses in question. See *Burnet's History of his own Times.*—I mention this act, because, I presume, it was one of those which was lately under consideration for new modelling.

(1) 29 Car. II. cap. 2.

(f

tion of the establishment, and pass on to that of its acknowledged preserver, William III. We all know that he was the first of our kings who took the oath, in its present form, for maintaining it. (1) Yet this did not hinder him from promoting, almost immediately afterwards, an act for altering the Oaths of Supremacy and Allegiance in favour of Dissenters, (2) and thereby removing barriers, which, but a very few years before, had been thought necessary for the security of the Church. In the same spirit he contributed to alleviate the peculiar grievances of the Quakers. (3) Besides, taking the English Coronation Oath, he, on a subsequent occasion, (4) took a distinct oath to maintain the Kirk of Scotland, which was then Episcopalian. Finding, however, that its heads were incurably infected with Jacobitism, and likely to produce great disturbance, he consented to the new modelling of the Kirk to the Presbyterian form and doctrine. No doubt but his confidential divines, Tillotson and Burnet, endeavoured to settle his mind with respect to these changes, on the ground that whatever measures were necessary for the security of the Church of England, were in the true spirit of his Coronation Oath.

(1) 1 W. and M. S. 1. cap. 6.
(2) 1 W. and M. Sess. 1. cap. 18.
(3) 7 & 8 W. III. cap. 34. (4) May 11, 1689.

In

In the reign of Queen Anne the famous Union of the kingdoms of England and Scotland took place, and though the English Parliament shewed an infinite jealousy for the maintenance and credit of its national Church, yet it saw no difficulty in the Sovereign's equally swearing to protect Presbyterianism in the northern part of the united Kingdom, and accordingly it sanctioned a form of Oath for this very purpose. (1) Though most of the legislative acts of this reign were inimical to the Dissenters, agreeably to the Queen's own prejudices, yet she consented to some acts, or clauses of acts, in favour of them, and of the Quakers.

George I trod in the steps of William III. He laboured to procure ease for the Dissenters, and did not think it incompatible with his Coronation Oath to promote and sanction the repeal of two statutes passed in the former reign, one under the title of *an Act to prevent the growth of Schism*, (2) and the other under the title of *an Act for the better Security of the Church of England*, &c. (3) We may judge of his plea for this measure by what appears on the title of his act, which professes to be *an Act for strengthening the Protestant*

(1) 5 Anne, cap. 18.
(2) 12 Anne, cap. 17.
(3) 10 Anne, cap. 2.

interest.

interest. (1) On the same ground, different acts passed for the further relief of Quakers. (2).

The same tolerating spirit, with respect to Dissenters, Quakers, (3) &c. actuated the counsels of his late Majesty, though some narrow-minded Clergy, of the lower order, on a particular occasion took offence at it. This extended to the Moravians, (4) and even to the Jews, in whose favour a naturalization act passed, (5) which, though it was afterwards repealed, yet no one even muttered that the King, in assenting to it, had violated his engagements to the established Church. I need not add, that in all those signal conquests in the four quarters of the world, which illustrated this reign, the rights of conscience were every where respected; nor was any obstacle to the general prosperity of the State created by unfounded jealousies or scruples of a religious nature.

At length we have descended to his present Majesty's reign, the distinguishing features of which, like that of his private character, are justice, toleration, and benevolence. Future historians will dwell with rapture on the numerous and striking instances in which these best virtues

(1) 5 Geo. I. cap. 4
(2) 8 Geo. I. cap. 2.
(3) 8 Geo. II. 9 Geo. II. cap. 6. &c. 20 Geo. II. c. 44.
(4) 22 Geo. II. cap. 30.
(5) 25 Geo. II.

of

of the human heart have been displayed of late years. Describing the dreadful civil commotions which now agitate the whole globe, beyond former example, and the unavoidable calamities these have occasioned, they will say that the unfortunate victims of them from America, from Geneva, from France, from the French colonies, from the Low Countries, from Holland, from various parts of Italy, Germany, and Hindostan, have sought for refuge, and happily found it in the territories, or on board the vessels, of Geo. III and, in short, that no contracted views of animosity, jealousy, politics, or religion, have prevented his Majesty or his Ministers, from acting the part of the good Samaritan to sufferers of every description. (1) But my subject leads me particularly to speak of the legislative acts of religious toleration, (which, indeed, have been much more numerous in this than in any former reign, since the foundation of

(1) One act of this nature, on the part of the King himself, is so uncommonly heroical, that I cannot forbear mentioning it. I mean the very liberal annuity which his Majesty has lately granted to the remaining branch of the Stuart family, Cardinal York, under the distress which he incurred in the invasion of Italy by the French. In return, the Cardinal has made what acknowledgment was in his power, by procuring that certain establishments for British Catholics in the Pope's dominions should be transferred to national superiors who had sworn allegiance to his Majesty.

the

the Monarchy) that have received his Majesty's assent, and particularly of those which relate to the Catholics. Hence I pass over the numerous statutes which have been made in favour of Dissenters, both in this country and in Ireland. The first act in favour of Catholics was the *Quebec Act*, by which the religion in question was legally established in that extensive and important part of his Majesty's dominions, and I believe few people will dispute with me, that it was owing to this wise and conciliating conduct of the Legislature, that Canada continued firm in its allegiance, when the neighbouring Protestant Colonies, by common consent, shook it off. In 1778, at a period of great political danger, the Catholics having approached the throne with a dutiful and loyal address, his Majesty was pleased to accept their tender of fidelity; and an act soon after passed for their partial relief. This was augmented by a much more liberal and benevolent act in 1791. Though these indulgencies were granted with the assent of men of all parties and religions, yet no persons concurred to them in a more gracious manner than his Majesty, and the representatives of the national Church. I need not remind you, Sir, that the Irish Parliament followed the example of our own by acts of equal and even greater liberality, one of which wisely provides for the education

of Catholic ecclesiastics in their own country, by superiors of known integrity and loyalty, instead of forcing them to seek for this in foreign countries amongst persons of opposite sentiments. During the short time that Corsica was a dependency on the crown of Great Britain, a civil constitution was established in it analogous to our own, but the Catholic religion was declared to be the sole religion of the country, and the Pope was even allowed a share in appointing to its bishoprics, as they became vacant.(1) In fact, it would have been madness to attempt to retain that Island without allowing the inhabitants those religious franchises, the alienation of which was the chief cause of their shaking off the French yoke. I omit to mention many particular in-

(1) Extract of the Constitution of the Kingdom of Corsica, ratified by the Viceroy, in the name of his Majesty, June 14, 1794.

TITOLO X.

Della Religione.

ART. I. La Religione Cristiana, Cattolica, Apostolica Romana, in tutta la sua purità Evangelica, sarà la sola Nazionale in Corsica.

ART. II. La Camera del Parlamento è autorizzata a prefiggere il numero delle Parrocchie, fissare la congrua, e prendere le misure per assicurare l'esercizio dell' Episcopato in Corsica, *concertando colla Santá Sede.*

ART. III. Tutti gl' altri Culti sono tolerati.

stances

stances of toleration, such as giving commissions to Roman Catholics, natives and foreigners, and the employing of whole armies of Irish Catholics in Ireland itself, before the act to authorize this practice passed, and in his Majesty's other dominions, and on board his fleets, both before and since that period. If any of your Protestant acquaintances, Sir, are disposed to censure this practice, let them say: We are able to fight our own battles, without the numerous and hardy sailors and soldiers of the sister island.

It would lead me into a field far too extensive for the bounds which I have prescribed myself in the present letter, to shew that the conduct of the most renowned foreign princes has at all times, in similar circumstances, been the same with that of our own, and that, under the imperious and unprecedented circumstances of the present times in particular, many such personages have been forced to swerve from the letter of their Coronation or other Oaths, in order to preserve the import and spirit of them to the best of their judgment and power. I will barely remind you, that we have all seen a most religious King of France, Lewis XVI, contrary to the letter of his Coronation engagements, opening a door in his dominions to every kind of religion and irreligion; a King of Spain upon terms of amity with the Moorish Powers; the conscientious part of the

Knights of Malta fighting, not against the Turks, but in alliance with them, against a more dangerous enemy of Christianity; finally, we have seen his Majesty's forces by sea and land abetting the cause of the Pope, and a regiment of British dragoons receiving marks of honour from him for their exemplary conduct during their stay in his dominions.(1)

Without detailing the cirsumstances which have guided the conduct of our own and other Princes in the transactions that have been mentioned or alluded to, shall we say that they have all infringed their respective official Oaths, and been guilty of perjury? Such language would argue, in those who held it, an utter ignorance of the nature of Oaths, and of the circumstances in which they are and are not obligatory. Having done with my precedents, I shall now proceed briefly to discuss the subject in a theological manner, with reference to the particular Case of Conscience under consideration.

In treating of the present matter, I feel great satisfaction that I have not been able to discover any

(1) The Officers of the 12th regiment of Light Dragoons received gold medals from the Pope, which his Holiness requested Sir J. C. Hippisley, Bart. then a Member of the British Parliament, and residing at Rome, to transmit to them as a testimony of respect for the Regiment and British Nation.

essential

essential difference concerning it, amongst the Canonists and moral writers of different countries and religions. Indeed the rules which I shall have occasion to lay down from them concerning the nature and validity of Oaths, are so immediately connected with the eternal laws of morality and reason, that, like first principles, they are admitted by intuition, the moment they are clearly proposed. They agree then in substance with what is affirmed by Dr. Johnson, who defines an oath to be: *an affirmation, negation, or promise, corroborated by an attestation of the Divine Being.*(1) Amongst other divisions of oaths, they are distinguished by Divines into such as are merely *assertory*, such as are *execratory*, and such as are *promissory*. My subject leads me only to speak of the last mentioned class, as the Coronation Oath, by its object and terms, evidently falls into it; and even on this head I shall omit to notice such rules and observations as have no relation with the particular case before me.

It is then unanimously agreed upon amongst canonists and divines, in treating of the conditions necessary for the validity of promissory oaths, that no such oath is obligatory, the object of which is, even in a small degree, unlawful. This is a fundamental maxim of their science,(2) which they

(1) Dr. Johnson's Dictionary.

(2) "Non est obligatorium contra bonos mores præstitum "juramentum," Reg. 58, Jur. Can.

con-

confirm by a self-evident reason, implying that we cannot bind ourselves to the Divine Being to transgress his laws.(1) For the same reason they shew, 2dly, that no oath is obligatory, the nature of which is to prevent the performance of our duty, or even of any greater good. In fact, it is absurd to suppose that the Almighty will admit of any appeal to him, by which we might be restrained from serving him in the most perfect manner in our own power. Thirdly, they teach that no oath is valid which relates to a thing impossible;(2) and 4thly, they pronounce that an oath is of no force if it relate to any idle, foolish thing, the performance of which would neither tend to the honour of God, nor to the benefit of any man. With respect to all such promissory oaths, they teach that it was wrong to make them, and that it would be wrong again to attempt to observe them.(3)

I do not mean to insinuate that any of these original defects apply to the Coronation Oath, nor does the cause, which I have undertaken, stand in need of any advantages that might be

(1) "Juramentum non est vinculum iniquitatis." Aug. in Decret. 2 Pr. Caus. 22. Ques. 4. c. 21.

(2) "Nemo potest ad impossibile obligari." Reg. 6. Jur. Can.

(3) "Est contra officium non nunquam solvere promissum, ut Herodes, &c." Decret. ibid. c. 2.

derived

derived from a discussion of them. I have, however, thought it proper to mention them, because I have found very many well-meaning persons (and it is possible that this paper may meet the eye of some of that description), who are so ill-informed as to suppose that they are obliged in conscience to forbear doing some charitable, or otherwise good thing, or to do some rash or improper thing, because they may happen to have sworn to that effect.

I now proceed to state some of those circumstances in which an oath that was originally lawful and valid, may lose those characters, and cease to be binding, as I find them laid down by the great masters of law and morality. I shall afterwards endeavour to shew how these apply to the particular case under consideration. In the first place, then, it is evident that a promissory oath, which at a certain period was good and valid, may cease to be obligatory by some *material change* in circumstances, either with respect to the object itself, or to any of the parties concerned in it; so that, for example, a measure which was originally wise and beneficial, and desirable, becomes the reverse of all this. In the second place, the obligation of every promissory oath may be *remitted* by the party in whose favour it is made; or, in the third place, it may be *commuted* by them into some other engagement which they are content

content to accept of in its place. For, as Canonists teach, the object of every promissory oath being to strengthen the title of the party in whose favour it is made, to a certain benefit, it follows, that upon his relinquishing the benefit itself, the ties by which he held it, whatever these may be, are loosened of course, agreeably to a well-known maxim of the canon law.(1) Lastly, it is demonstratively clear, that the obligation of every promissory oath, or other engagement, may cease by *abrogation*, on the part of those persons who have proper authority for this purpose over the parties themselves, or over the subject matter of the oath, or other engagement. Thus parents may abrogate the inconsiderate and improper oaths and vows of their children;(2) and thus the law of the land invalidates many engagements, though confirmed by oaths and vows of subjects, and, amongst the rest, some of the most solemn nature with respect to the highest of all subjects—I mean persons of his Majesty's own family.

Give me leave, Sir, now to examine the present obligation of the Coronation Oath, by the established rules here laid down. Has there then been no material change in the situation of the

(1) "Accessorium naturam sequi congruit principalis." Reg. 42. Jur. Can.

(2) Isidor. Decret. ibid. c. 19.

Church,

Church, as well as of the State, since this oath was last taken, forty years ago? Was it foreseen at that time that Ireland, from being a dependency on Great Britain, would be associated in a Legislative Union with it, and that instead of ruling the Catholic inhabitants of that island with the iron hand of power, it would become wise and necessary to cherish them in the bosom of paternal affection? Was the French Revolution expected in those days? Was it presaged that an Anti-christian association should, with gigantic strides, march in triumph throughout the greatest part of the civilized world, every where marking its progress with the ruins of Christian altars? In one word, is it from the side of Popery, or from the opposite quarter of Jacobinism, that the Established Church is most in danger at the present day? If this question is answered in the manner in which I presume it must be answered, then I apprehend the very obligation of *maintaining this Church to the utmost of the Sovereign's power*, requires a different line of conduct and politics from that which was pursued at his Majesty's accession to the crown, in conformity with the conduct of former Sovereigns, under a change of circumstances, as I have shewn at large in the historical part of this discussion. To throw additional light on this matter, I will suppose, Sir, that you had thought proper to exact an oath

from your head steward, the purport of which was, that he would watch over and preserve every part of your property to the utmost of his power, and that sometime afterwards, in your absense, a lawless mob, or a crew of pirates, had made a certain requisition of corn or cattle at his hands, to be complied with, under the threat of burning down your house, and despoiling your whole property, would you hold him bound by the letter of his oath, in such new and unforeseen circumstances? Would not you expect from his sense and integrity, that he should rather attend to, and be guided by, the spirit of it?

In the second place, the measure of Catholic emancipation being of such vast consequence to the welfare of the State (and therefore to that of the Church), as the conduct of its best and wisest rulers still more emphatically speaks than their language could, might not the mind of the exalted Personage in question be relieved from its apprehensions concerning it, on the ground of his solemn promises to the Established Church, by some kind of remission or commutation, on the part of those its guardians and representatives to whom the said promises were originally made in her name, in conformity with the rules I have quoted for taking off the obligation of promissory oaths? There can be no doubt, but Juxton, and his fellow divines, had recourse to these expedients,

for

for appeasing the mind of Charles I, under the circumstances which I have described above.

The last case in which I shewed that an oath, however valid, might cease to be binding, is when it is abrogated by the subsequent interference of a competent authority affecting either the oath itself or the subject matter of the oath. Now that such an authority exists in Parliament in both these particulars it would be treason to deny. The present Coronation Oath owes its authority and its very existence to Parliament. Of course, then, Parliament is evidently competent to interpret it, to alter it, or to abrogate it. The same must be said of the Church itself, in whose favour this Oath was devised. This is expressly taught by the celebrated Blackstone, where speaking of the "Sovereign and uncontrolable "power of Parliament in making, restraining, "abrogating, repealing, &c. laws concerning mat- "ters of all possible denominations ecclesiastical or "temporal," he says, in so many words, that "*it* "*can alter the established religion of the land.*" (1). This would be mere nonsense, and, of course, Parliament would have no such power, if the King, who is a branch of the legislature, were restrained by his Coronation Oath from giving his assent to the votes of the two houses in a matter of this nature. Hence, Sir, if the question had been

(1) Book I. Chap: 2.

to carry the proposed measure of Catholic emancipation by the strength of the prerogative, I could have accounted for the scruple of conscience, which is so much talked of, but when no other idea was entertained by those illustrious personages, who conceived that the credit of Government and the welfare of the State were connected with it, than that its expediency should be submitted to the wisdom of both Houses of Parliament, and that his Majesty's conduct should be guided by their votes, I am lost in astonishment that such a scruple should so much as be mentioned, either by any lawyer, or by any divine.

I have throughout this whole letter, Sir, taken it for granted (in order to discuss the question more thoroughly, and to contend with my oponents upon their own ground), that there might be something incompatible in the terms of the Oath with the measure in contemplation. But cast your eye, I entreat you, on those terms, and tell me where the incompatibility is to be found. "Will you," said the Archbishop, in the terms, of the statute, (1) "to the utmost of your power, "maintain the laws of God, the true profession "of the gospel, and the Protestant reformed re- "ligion established by the law? And will you "preserve unto the bishops and clergy of this

(1) W. and M. Sec. I. Chap. 6.

"realm,

" realm, and to the churches committed to their " charge, all such rights and privileges as by law " do or shall appertain unto them or any of them?" His Majesty's answer, as directed by law was— " All this I promise to do."—I will not dispute whether or no, by the term *this realm*, Ireland was strictly to be understood at the time of passing the statute, and at his Majesty's Coronation, but thus much I think certain and clear, that " the main- " tenance of the religion established by law," here spoken of, does not exclude the support of another religion within the realm, the existence of which does not militate against the former, because King William, as I have mentioned, soon after the said Oath had been appointed by law and administered to him, publicly took another oath, " to maintain the true religion then received and " preached within the realm of Scotland, &c." and because the Act of Union equally required the Sovereign to take both these oaths.

But, Sir, the question here, as I understand, is not concerning any such indulgence to the Catholics of Ireland, upon the present Union of their country with England as was granted to the Presbyterians of Scotland, when their country became united with ours in the reign of Queen Anne. The Protestant religion is still to be *maintained* in Ireland, and its bishops and clergy *preserved in all their rights, privileges, &c.* The only

object,

object, I apprehend, of the Emancipation which is so much spoken of, is to put Catholics on the same footing, as to civil rights, and the necessary means of supporting their religion, with other persons who dissent from the established Church. Hence it is as plain as any demonstration in Euclid, that if the Coronation Oath does not stand in opposition to the indulgences which have been granted to the latter ever since the beginning of King William's reign, it does not now stand against the same favours being extended to the Catholics. It is impossible to answer this reasoning without wandering from the question before us into the boundless regions of religious controversy. From these, however, it would, at all times, be in my power to call back my opponent by this plain argument: the Parliaments both of England and Ireland, after thorough and repeated investigations, have proved themselves satisfied with the civil and the social principles of the Catholics, and have accordingly accepted from them those oaths of fidelity and allegiance, which they, the said Parliaments, have appointed as tests of such principles. In these circumstances, it appears to me there is no middle way, in point of justice and common sense, for the legislature to hold. It must either declare the Catholics bad subjects, and resume its past favours; or, if it allows them to be good subjects, it ought to grant them

them all the liberty which other good subjects are allowed to enjoy, who do not subscribe to the thirty-nine articles.—I have the honour to remain, &c.

POSTSCRIPT.

Since the preceding Letter was sent to Press, a publication has appeared, entitled, "*A Letter to a Nobleman, from Charles Butler, Esq. of Lincoln's Inn,*" from which I shall take the liberty to extract the following passage:

"It is said to be contrary to the King's Coronation Oath that he should repeal any of the laws remaining in force against the Irish Catholics; but the repeal of them does not, in any respect, interfere with the Coronation Oath. This is equally clear from the words of the Oath, and the constitutional doctrines of the country.—As to the words of the Oath,—in the first clause of it, His Majesty swears, "*to govern the people according to the statutes in parliament "agreed on, and the laws and customs of the realm;*" this was evidently meant to denote those statutes, laws, and customs, which should, from time to time, be the statutes, laws, and customs of the realm, under the legislation of parliament. In the next clause he swears to maintain "*the Protestant reformed religion established by law:*" this could only mean the Protestant reformed religion, as, from time to time, under the legislation of parliament, it should be the church establishment of the country. As to the constitutional interpretation of the clause,—it would be absurd in the extreme, unconstitutional, and perhaps even treasonable,

treasonable, to contend that the expression in question precludes his Majesty from concurring with both houses of parliament in any legislative act whatsoever. Even if it did preclude him from such a concurrence, it would be no objection to his repealing the laws in question, as the repeal of them will not interfere with the legal establishment of the church, with any part of the hierarchy, or with any of its temporal or spiritual rights or privileges. After all, —it may be inquired what system of casuistry made it lawful for his Majesty to assent to the repeal of the large proportion of penal laws, repealed by the Acts of 1778, 1782, and 1793, and now makes it unlawful for him to assent to the repeal of the small proportion of those laws yet remaining unrepealed; or that made it lawful for him to sanction a partial repeal of the Test Act in 1782, and makes it unlawful for him to sanction a total repeal of it in 1801. But all this discussion is superfluous.—The Coronation Oath was fixed in Ireland by the 1st of William and Mary; *at that time Roman Catholic peers had their seats and voted in the house of lords. Roman Catholic commoners were eligible to the house of commons, and civil and military offices were open to the Roman Catholics;* they were deprived of these rights by the acts of the 3d and 4th of William and Mary, and the 1st and 2d of Queen Anne. Now, *the Coronation Oath can only refer to the system of law which was in force when the Act which prescribed it, was passed,* but the Irish laws, meant to be repealed, are subsequent to that Act; to those laws, therefore, or to any similar laws, the Coronation Oath cannot be referred."

SUPPLEMENT.

ADDRESSED TO

JOHN REEVES, Esq.

IN ANSWER TO HIS

"*Considerations on the Coronation Oath.*"

WITH

A POSTSCRIPT

CONCERNING

THE SECOND EDITION OF THAT WORK.

SIR, March 15, 1801.

THE circumstances above stated, which have hitherto prevented the publication of my pamphlet, enable me now to send it abroad with much greater satisfaction than I should have done when it was first printed. For, however confident I was in the strength of the arguments which have occurred to me on the side of the question I have taken, yet it was natural for me to stand in some dread of those which men of abilities might offer on the other side of it. But now that I have seen a writer of Mr. Reeves's acknowledged ingenuity, judgment, and constitutional knowledge, reduced

to the necessity of adopting palpable mistatements, fanciful theories, inconclusive and contradictory inferences, in order to persuade us that (what is called) Catholic Emancipation is incompatible with the Coronation Oath; nay, when I find him even forced, for this purpose, to invalidate those principles of civil conduct which he has hitherto supported, with so much credit to himself, and benefit to his country, I cannot but look back to the contents of my own work with additional confidence, and consider the opinion which I support as in some degree established. I am sensible, Sir, that I ought not to pass such censures as these on the composition of an author of reputation, and on a work which by many is cried up as unanswerable, without being able to prove their justice. This, then, I shall attempt to perform, in the following concise review of your "*Considerations*," in which I will not, however, willingly overlook any passage which bears the face of an argument on your behalf. I must premise, that in treating you as my literary antagonist, and in doing the best justice in my power to the cause which I have undertaken, I should be sorry to be found wanting in that respect which I know to be due to you as a gentleman, and as a most meritorious subject of the state.

You

You enter upon your work, Sir, by expressing "surprise at the alarm which" you say "has "arisen out of the recent Union with Ireland" (p. 1.), by the proposal of an Emancipation of the Irish Catholics; a measure, as you affirm, that was "neither expected nor promised" (p. 2.).— May I be permitted to ask you, Sir, in what secluded situation have you passed the last two years? Had you lived in the world, how could we account for your never having been informed before the Union took place of the very plan and spirit of it, and of the means by which it was effected? But if, Sir, you are unacquainted with the communications which passed on this subject between the Catholics of Ireland and his Majesty's Representative in that country, communications which have been publicly avowed of late by that illustrious personage, and by his Majesty's first Minister in this island; if you have been deaf to those arguments in favour of the Union, which were echoed to and fro between the English and the Irish Parliaments, and with which the United Kingdom, on both sides of St. George's Channel, so long resounded, you can hardly be supposed to have overlooked the intimation of that particular branch of the Emancipation, against which your arguments are levelled, which is contained in the very articles of the re-

cent Union. Look at the 4th article: you will there find it agreed upon, that the members of the United Parliament shall take and subscribe the usual oaths, and declaration (which you know are exclusively levelled against Catholics), "UN-"TIL THE SAID PARLIAMENT SHALL "OTHERWISE PROVIDE." Give me leave, Sir, to say that your affectation of surprise at the agitation of the present question is by no means candid or natural.

Nothing is so necessary for properly discussing any question, as thoroughly to understand it, and accurately to state it. Accordingly, Sir, you ought to have gained authentic information concerning the scope and extent of the proposed Emancipation, before you set about the arduous and delicate task of inquiring, how far this may be compatible with the Coronation Oath. Instead, however, of this, by your own confession, you have proceeded upon mere rumours (p. 2.), when finding that part which you had so heard of to be contrary to your ideas, or rather to your prejudices, you have rashly proceeded to censure the whole plan, devised and matured by the wisest statesmen and best friends of the Constitution in Church no less than in State, as unconstitutional, and as tending to dissolve the compact between the Sovereign and his people (p. 41.).

Without

Without professing myself to be acquainted with the whole detail of the business, it is sufficient for my present purpose to state the general outline of it, as it has been repeatedly announced by the proposers of it; namely, to do away such remaining penalties and disabilities as have been imposed upon different classes of religionists on particular occasions, and for temporary purposes; such, in short, as a Protestant Parliament, including the representatives and guardians of the Established Church, shall, after a mature deliberation, judge to add no strength or security whatever to that Church, but, on the other hand, to obstruct the principal and most necessary effects of the happy Union recently concluded. A late well-informed Catholic writer, speaking of these remaining penalties and disabilities upon persons of his communion (though the same may be said, with equal propriety, of the nominal disabilities that hang out against Dissenters), very properly describes their effect in the following terms: "It keeps them (the "Catholics) from falling into the general mass of "the community, makes them a nation within a "nation, and holds them out to their fellow-"subjects as an inferior cast, not to be honoured "or trusted, which it is the general interest of the "nation to treat as aliens, and to look upon with "jealousy."

"jealousy." (1). Independently of these considerations, we may readily conceive that, upon the union of two kingdoms which have had separate Parliaments, some important statutes may be found to have passed in one of them of a different, or even of an opposite tendency, to those which have been enacted in the other, and that, of course, there may be a necessity of reviewing such matters by a united legislature, in order to make the law consistent with itself and uniform. Now, this I understand to be actually the case with respect to Catholics in different instances. For example, soldiers of that communion have, of late years, been indulged by the Parliament of Ireland with the open practice of their religion, but as the law at present stands otherwise in this part of the United Kingdom, the greatest confusion and disaffection unavoidably takes place on the removal of an Irish regiment into this country, very much to the detriment, as is easily conceived, of the general interest. I learn also that there is some variety in the law with respect to the article of matrimony (an important point amongst Roman Catholics, as it passes with them for a sacrament), which may be easily reconciled much to their comfort as well as moral improvement, and

* Letter to a Nobleman from Charles Butler, Esq. p. 10.

without

without the least diminution of the Church's profits or authority. I will mention one more point of the utmost importance to the Catholics, on which, I think, the law, as it stands at present, is not consistent with itself in either country. They are authorised to build and open chapels, and the service which is performed in them is under the express protection of the law, but if a single shilling can be discovered to have been given or bequeathed for the repair or support of such chapels by their own people, it is liable to be seized upon, as being appropriated to *superstitious purposes*. I have no authority to say that the alleviation of these grievances form part of the intended Emancipation: but let us suppose, Sir, this to be the case, it does not follow that Catholics may not be relieved in these particulars, even though you should prove, as I shall shew you have not done, and though Parliament itself should pronounce that they cannot be admitted to situations of trust and dignity. I have pointed out the bad consequences of your proceeding upon partial information, and mere rumour, in deciding upon the present important question; but these are by no means so serious, or so culpable as those which follow from your venturing, on the same uncertain ground, to ascribe to his

Majesty

Majesty a determination of not listening to the advice of his Parliament and of rejecting any bill to the effect in question, though it were proposed to him by both houses of the legislature (p. 2. & p. 6.). I leave others to qualify such a report in proper terms; all that I shall say is, that your contributing to propagate it, is not in unison with your general conduct, and that you could hardly say any thing more injurious to the character of our beloved Sovereign, or more detrimental to his interest, particularly in the sister island.

You profess, Sir, not to treat the present question on the ground of expediency (p. 3.), and you maintain that it is "not to be debated, either in "or out of Parliament, on the various topics of "general policy and national utility," (p. 6.) but merely with respect to the terms of the Coronation Oath. To every argument of that nature, which the best and wisest ministers on earth may suggest to the Sovereign, you tell us, the Sovereign is bound to answer: "I cannot consent to "a measure contrary to my engagement: what-"ever comes of it, I must leave the consequence "to God." (p. 25.). But, Sir, give me leave to remind you, that every human law, and every promise, or other engagement, however confirmed by oath, must necessarily turn upon the cardinal virtue

virtue of prudence, which implies that it depends, as to the obligation of fulfilling it in such and such circumstances, on the question of expediency. After all, this is saying no more, than that the eternal and immutable law of nature, or rather of God, is paramount to all subsequent obligations we may take upon ourselves, whenever these appear to militate against each other. Supposing it to be legally decreed, that I shall restore to a man his sword upon demand, which I have detained; nay, supposing even that I should have bound myself by a solemn oath to perform this, yet I shall evidently offend both against justice and religion, if I return it to him when I foresee that he will make some fatal use of it. To carry the case still further, I should be culpable, both before God and man, if I were to restore that weapon to him in whatever manner, or in whatever dispositions he might demand it of me, when the use of it was necessary to me for the purpose of defending the life of my Sovereign, or, indeed, that of any other innocent person. An attention to such cases, which your own ingenuity, Sir, will enable you to multiply, *in infinitum*, must convince you that the circumstance of expediency must enter into the question of every contract, or other obligation, between man and man, as I have proved more at large in the pre-

ceding treatise. I have there also particularly shewn (to go back from "the manners, the life, "and the conversation of the present generation, "to the character and conduct, the habit and way "of thinking, deciding and acting, of much more "ancient date," as you so strongly recommend) (p. 10.)—I have shewn, I say, that the nursing fathers, and the nursing mothers, of the Established Church, those Protestant Sovereigns "who "have left remembrances of their character and "conduct on our statute-books and records," as you express it, have ever attended to the rule of expediency, and the particular circumstances of the times, in the concerns of the Church, no less than of the State. They have sometimes been severe, and at other times lenient, or indulgent, to the self-same class of Dissenters. Statutes have passed for the security of the Establishment in one reign, and they have been repealed for that very purpose in the next reign. In short, as the situation of affairs has varied, they have pursued quite opposite measures to attain the same end, the prosperity of the Establishment civil and ecclesiastical. To this effect they have ever consulted their wisest counsellors, and particularly their respective Parliaments, instead of following their own private opinions, and hastily exclaiming, as you recommend, "I cannot consent to a measure

" that I think contrary to my engagement: what-
" ever comes of it, I must leave the consequence
" to God;" otherwise, Sir, they would not have left either a Church or a State for their successors to defend at the present day.

To bring this doctrine home to the subject immediately before us, you have quoted Dr. Sherlock, to prove that the " Church and the State " are so intimately united in one common interest, " that they must stand or fall together," (p. 4.). Now, whether or no the State could absolutely subsist without the Church, which some persons who are acquainted with the ancient history of our Constitution, may think possible; thus much is incontestible and self-evident, that the Church cannot possibly subsist without the State. The consequence is, that the strength and weakness of the latter are the strength and weakness of the former, and that whatever measures our best and wisest statesmen find to be politically necessary, ought to meet with the support of every true friend of the Establishment. In vain, Sir, do you object to the "novelty and singularity" (p. 5.) of the present plan for uniting the hearts, and combining the strength of all his Majesty's subjects in their common defence. In vain do you recommend " the wisdom of not doing" in order " to go on as we have done" (p. 7.). We

live in times when new and extraordinary expe dients must be resorted to, in order to counteract unexpected and unprecedented dangers. If a great deal is not done that our ancestors never thought of doing, we are all inevitably ruined. This nation has still to carry on the contest with its ancient and natural enemy, after he has doubled his numbers, by the many provinces which he has added to his original domain. To attain the object of his ambition, and to increase his means of annoying us, he has soothed and flattered the passions and prejudices of all other political and religious descriptions of people whom-soever. What other policy then remains to be adopted by Britain, except to increase her strength amongst her own subjects, and to recruit her numbers within the precincts of her own sea-girt shores, by removing every source of discontent and division from amongst her people, as far as is consistent with her Constitution, and reducing them, as much as possible, into one homogeneous mass, animated by the same spirit, and actuated by the same interest? This, Sir, is not a new-discovered policy, as you intimate, but what has ever been resorted to by wise states in circum-stances of difficulty and danger. Its effects, how-ever, if not obstructed by narrow jealousies, are likely to be so beneficial in the present instance,

 that

that the great Atlas of our state* has publicly declared, he rests his character with posterity, chiefly on the share he has had in introducing it.

Your learned readers, Sir, must certainly smile when they see you apply to the measure in contemplation that answer of the Catholic Barons, in the reign of Henry III. "*Nolumus leges Angliæ* "*mutari*" (p. 6.), which, if it were relevant on the present occasion, would prove that the Reformation itself was illegal. You afterwards proceed to mention the "three forms of religion in this coun- "try, that have each had their time of domination, "the Popish, the present Church, and Presbyteri- "anism; which latter," you say, "has been equally "intolerant with Popery" (p. 10. & p. 11.), and then you inquire which of these forms is the fittest to have the ascendency over the others, as having proved, in past times, the greatest moderation, and aversion from persecution. Such an inquiry is perfectly useless for every other purpose, except that of alarming the uninformed, and raising an idea, that the tendency of the proposed Emancipation is to deprive the established Church of her ascendency, whereas it really goes no further than to take away some later restrictions, imposed upon certain classes of Dissenters, on temporary occa-

* Mr. Pitt.

sions,

sions, and to place things on the footing between her and them, on which they stood during the period of her greatest strength and prosperity, that is to say, during the reigns of Elizabeth, James I and Charles I. Methinks, also, Sir, you do not act wisely in deserting a strong and impregnable situation, that of the law and the choice of the people, in order to place the Church on one so liable to insidious and violent attacks, as that of her comparative toleration in past ages. She has, and most assuredly must, continue to have the ascendency, or, in other words, to enjoy all the dignities and profits which the State can bestow upon her, whilst other congregations must be content with toleration, because she is established by law, and because the King and the great body of the people belong to her. It is indisputable that at present she is as mild and as benignant to every class of Dissenters as they themselves can expect or desire; but when you carry back the subject into past ages, you only provoke the Papist to come forward with his Dodd (1), by way of proving that those of his communion who were put to death for their religion, during the reigns of Elizabeth, and her immediate successors were equal in number to the Protestants burnt by

(1) Dodd's Church History, 3 vols. fol.

Mary;

Mary; you only stimulate the Dissenter to produce his Neal (1), and the Quaker his Penn (2), to demonstrate that the evils which they have suffered from the Established Church are infinitely greater than any which they ever inflicted upon her. But let us close this acrimonious page, which, I said, it was imprudent in you ever to open. In fact, truth obliges us to avow with the poet, that:

"*Iliacos intra muros peccatur et extra.*"

Hitherto, Sir, you have only been skirmishing, but now you come forward with your grand charge, which undoubtedly would be irresistible, could it be properly supported. The points which you undertake to prove are:—That the Parliament which seated King William on the throne, made fundamental and unalterable laws for the security of the Established Church, which no succeeding Parliament can ever set aside—that the strength and immutability of these laws consists in the Coronation Oath—that this Oath contains a new restriction, by which the Sovereign is peculiarly bound in his legislative capacity, never to assent to any law that endangers

(1) Neal's History of the Puritans.

(2) William Penn's Life and Acts of George Fox, fol.

the

that Church;—finally, that the Emancipation of Catholics is of this nature, that is to say, is absolutely inconsistent with its security. I believe, Sir, you will allow that I have fairly and clearly stated the main points which you labour to establish. What I have here principally to remark is, that it would be sufficient for my present purpose, to contest the last point with you, by demonstrating that the proposed measure is not, by any means, calculated to endanger, but rather to secure the Ecclesiastical Establishment. In fact, if I proceed to refute each one of the foregoing positions, as I mean to do, it is, as logicians say, *ex abundanti*. I shall not so much vindicate the Emancipation, as prove that your pamphlet is not that master-piece of reasoning which some of your friends boast it is.

You represent the first Parliament in King William's reign, as framing "fundamental constitu-"tions of the realm that should remain unalter-"able, and secure posterity against the dangers of "Popery" (p. 16). It is true they used the most effectual expedient that could be conceived for this purpose, which however consisted not in the Coronation Oath, as you maintain, but in the Bill of Rights, by which the established Church has every security against this and every other enemy that human laws can invent. But it

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is not in the power of the wisest man's ingenuity to invent any constitution, which, of its own nature, is eternal. No prior legislature can bind a succeeding one. The same authority which enacted can abrogate; the same force which built can destroy. This is the express doctrine of that great luminary of the law, Blackstone, who, speaking of the "omnipotence of parliament," as it exists at each successive period, teaches that it "can change and create afresh, even the con-"stitution of the kingdom;" and, applying this doctrine to the Church, he says, that "parliament "can alter the established religion of the land" (Book I. c. vi.). Again, Sir, I must advert, that I am barely refuting your abstract proposition, but by no means applying it to the proposed Emancipation, with which, in fact, it has nothing at all to do.

To speak the truth, you seem afterwards to abandon this your first ground as untenable, where you say that "to make unalterable laws "*seems* to be an impossibility, arising from the very omnipotence of parliament itself" (p. 17.). However you fancy that this same point was gained, in an indirect manner, after the Revolution, by the device of binding the King's conscience, who, you say, "makes and executes the "law by the assistance of such advisers and coun-

 "sellors,

" sellors, *as the usage of the realm has assigned him*" (p. 17.). Leaving others to judge how far this language is constitutional, permit me to ask you, Sir, was there then no Coronation Oath before the reign of William? Were not the consciences of preceding monarchs bound to maintain the Constitution no less than his was? Again, cannot that authority which exacts an obligation, however confirmed by oath, remit the same, if it see reason for so doing? should I swear to my creditor, that I will pay the money I owe him, and should he forgive me the debt; am I still bound to pay it? And what becomes, in this your supposition, of the omnipotence of Parliament that we have just heard of, not only with respect to the ecclesiastical, but also to the civil Constitution, if the King, who equally swears to protect both, is obliged, by his conscience, to reject every possible alteration which the two houses may deem necessary?

But, it seems, you have discovered in the terms of the Oath appointed by the 1st of W. and M. that the Sovereign is bound by a peculiar and superior kind of tie to protect the ecclesiastical, in preference to the civil Constitution, which you call "a novel restriction" (p. 20.), and which hinders him, since the period of the Revolution, from assenting to any future change in that respect,

respect, however intent both Houses of Parliament may be upon making it. If this were so, it is very extraordinary that Blackstone, whose zeal for the interest of the Church is so conspicuous, should not have made the same discovery. So far, however, from it, he expressly teaches that "the principal articles of the Oath "are as ancient as the Mirror of Justices, and even "the time of Bracton (viz. the reign of Henry "III.); and that the wording (alone) was changed "at the Revolution." He assigns the reason for this change out of the statute itself; the framers of which appear to have been totally unconscious of the meaning that you ascribe to them, but alledge their motive to have been "because the Oath had "been framed in doubtful words and expres- "sions, with relation to ancient laws and consti- "tutions at this time unknown." You have given us the terms of King William's Oath; had you also presented us with that taken by his predecessors, we should have discovered what these "doubtful words and expressions" were, and which form of Oath, upon the whole, was most favourable to the Church. By the present form of Oath, the King, in the 3d article of it, promises, "to maintain, to the utmost of his power "the laws of God, the true profession of the "Gospel, and the Protestant reformed religion

"established by law, and to preserve to the "bishops and clergy of this realm, and to the "churches committed to their charge, all such "rights and privileges as by law do or shall apper- "tain to them or any of them." The terms of the ancient Oath were, in the first article of it, that the King would "keep, and by his Oath con- "firm—the laws, customs, and franchises granted "to the clergy by the glorious King St. Edward, "according to the laws of God, and the true "profession of the Gospel established in this "kingdom." By the last article of the same Oath, he swore to "preserve and maintain the "bishops and the churches committed to their "charge all canonical privileges, and to be their "protector and defender to the utmost of his power." (1) I need not, I presume, remind you, Sir, that at the time when this Oath was framed the clergy enjoyed immunity from taxes, and from being tried at secular tribunals, and that many of the churcheswere inviolable sanctuaries to the greatest criminals, and that the bishops alone could judge and decide in all articles of religion and ecclesiastical discipline. Now, though these franchises and canonical privileges were in the Oath qualified by the clause which mentions "the true profes-

(1) Collier's Church Hist. Vol. II. p. 736.

"sion

" sion of the Gospel established in this kingdom," a clause, as I have intimated above, (1) that seems to have been introduced at the coronation of James I. still, as there had been much contest during the reign of Charles I. concerning these immunities, and as Archbishop Laud had even been accused of altering the Coronation Oath in favour of his own high-church pretensions and superstitious prejudices, as they were deemed by the patriots of the day, their successors in 1688, embraced the opportunity that then offered of removing those obnoxious phrases, and of confining the royal promises to the mere maintainance of the religion established by law, and to the preservation of such privileges in favour of the clergy, as were, or should be clearly ascertained from the existing statutes. You see then, Sir, how grossly you have been mistaken in fancying that the alteration of the Coronation Oath, which took place at the Revolution, was made to extend the rights of the established Church and clergy, whereas it was rather made to fix and confine them.

The two arguments which you insist upon, in order to prove that the Sovereign is more bound by his Oath to defend the ecclesiastical than the civil Constitution, are such as might be expected

(1) p. 13.

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in favour of such a fanciful and inconsistent theory. You say first, that unless the third article, relative to the Church, implies the meaning which you ascribe to it, no more would be promised by it than is contained in the first article, where the King binds himself "to govern his people accord-"ing to the statutes in Parliament agreed upon, "and the laws and customs of the kingdom" (p. 21.). But give me leave to ask—is it no advantage or honour in a general charter of rights and privileges to be particularly named? Again, did not the Sovereign in the ancient formula equally promise to govern the people according to the laws and customs of the land? Your second argument, as far as I can develop its meaning, is, that the King engages himself in the terms of the Oath to maintain the religion *established by law*, namely, that which is actually established, not that which may be so established (ibid.). But do not you see, Sir, that this interpretation would equally restrain him from consenting to any new law of a civil nature? In fact, he swears in the first article to govern his people "according to "the statutes in Parliament *agreed upon;*" and yet you yourself do not pretend to restrain him, by virtue of those terms, from governing them, in all such matters, according to the laws that from time to time *shall be so agreed upon.*

Your remaining argument in favour of this forced

forced construction is of so extraordinary a nature, that I almost think it has been foisted into your Pamphlet by some unfriendly hand. In fact, it is not barely inconclusive, but it actually establishes the point in debate against yourself. We learn then from you, that at the very time when the present form of Oath was under consideration in the House of Commons, the toleration of Dissenters, which followed soon after, was actually in contemplation, and that in order to favour this measure, an amendment was moved, that instead of *religion established by law*, it should be worded "AS SHALL BE established by law; "but that those who were for the original motion "seem to have considered this point sufficiently "saved to the King by the wording as it stood, "and the amendment was accordingly thrown "out." For this anecdote you refer us to Grey's Debates, March 28, 1689. Now, Sir, what is it that you here tell us? Namely, that the Parliament which framed this Oath, at the very time of their framing it, considered the two clauses, *religion established by law*, and, *religion that shall be established by law* to be tantamount to each other; and that they admitted King William to be at full liberty by the Oath, as it actually stands, to perform the very counterpart of that measure which you deny his Majesty the liberty of performing in the present instance!

instance! In fact, Sir, were not the Dissenters equally excluded from Parliament with the Catholics? And how were they admitted into it? By nothing less than by altering the Oath of Supremacy, as it had formerly stood, in the Act of Royal Ecclesiastical Supremacy, and thus waving a positive article in the belief of the Church of England, in favour of the Dissenters.—Tell me now, Sir, by what logic you will prove that what you admit to have been legally done for Presbyterians, cannot be legally done for Catholics, if the legislature should now deem it expedient to admit them to equal favour, and that the same power which altered the Oath of Supremacy, as to one of its main branches, cannot alter it with respect to the other.

Such are the sandy grounds, on which you build your new invented theory concerning the import of the Coronation Oath; a theory unknown to Blackstone and former writers, nay, unknown to the framers of that Oath, as is clear from the motive which they assign for so framing it; a theory which would equally prove the Reformation to be unconstitutional, which destroys the omnipotence of Parliament, and withdraws from its authority and cognizance an infinite variety of concerns of the last importance to the State; which circumscribes the royal power itself, and hinders the Sovereign from maintaining the Church to the

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best of his judgment and power; in short, which precludes every improvement and additional security that the ever-varying circumstances of the time may render necessary. In fact, you elsewhere represent "the Church establishment as complete as it was well capable of being," and say, "that therefore our forefathers closed the question "of improvement, and thought they did sufficient, "when they only stipulated with the crown for "maintaining it as then established by law" (p. 37.) But supposing her to be complete, which supposition by no means accords with the proposals that I hear and read amongst her most respectable members concerning a revisal of the liturgy, the suppression of the Athanasian Creed, an alteration of the laws concerning residence, &c. have you any security that she will remain complete, without repeated and fresh measures to keep her so? In other words, do you set up a claim in her behalf of her immutability and infallibility, against which claim she herself so strongly protests in her articles? On the other hand, so far is the Church from "coveting no augmentation" (p. 36.), and so far were "our ancestors from barely "stipulating that she should be maintained as she "then was" that it forms part of that very clause in the Oath, to which you have paid so much attention, that the Sovereign "shall preserve to the

" bishops and clergy, and to their Churches, all " such rights and privileges as by law do OR " SHALL appertain to them." So far then it is demonstrated against you, that the condition of the Church is not absolutely " stationary," but that the law may at least interfere to increase her privileges.

If any more arguments were necessary to evince the absurdity of your system, they are the corollaries which you yourself draw from it. You tell us then that the Parliament of 1689, to which you ascribe such a paramount jurisdiction over all succeeding Parliaments, " left the Sovereign in full " possession of all the discretion as well as power " of assenting to laws in other cases, but in what " related to religion they thought it prudent and " justifiable to guard him against the counsels of " his lawful and constitutional advisers" (p. 24.); which in your language means the two Houses of Parliament—that " they determined to confide the " interests of religion and the Church to the con- " science of the King, independent of the lawful " advisers of the Crown (p. 25.); " that they had grown to think that the conscience of one virtuous and good man" (as if they had any security of always having such a one for their King), " intrust- " ed with sovereign power is a better security " than the wisdom of all his counsellors in matters of

" of religion;" "that the King may be full as com-
" petent a judge of this particular subject as the
" whole of his council;" (p. 26.) nay, that "even
" he may be more competent than any subject in
" his dominions" (p. 27.); finally, that "whoever
" sits upon the British Throne, will always be able
" to judge for himself in these affairs of the Church,
" and discharge his duty of guardian to it, not only
" with a good conscience, but with a good under-
" standing also" *(ibid.)*. All this information, and a great deal more of the same sort, your fertile imagination derives from the single circumstance of the aforesaid Parliament having made a slight verbal alteration for ascertaining the meaning of the Coronation Oath. Such extravagancies are better confuted by being simply proposed, than by being argued upon. I shall, however, make one remark. You describe the patriots of the revolution, as thus enlarging the royal power in the most important article of religion, at the very moment when they were circumscribing and curtailing it in every other particular! You exhibit them as blindly confiding that important concern to the conscience of each succeeding King, independently of Parliament, immediately after they had chased away James II. and altered the succession for his attempts to subvert it!

Having advanced thus far, you find yourself

suddenly stopped, embarrassed by the recollection of *The Toleration Act*, which took place almost immediately after the formation of the Coronation Oath, and which you inform us was in contemplation at the very time of framing it. The fact is, you are here obliged to contradict in substance all that you had before advanced, concerning the King's being "guarded by his Oath, not only "against his constitutional advisers, but also "against himself and the wanderings of his own "mind, upon doubtful suggestions of expediency, "and the flattering prospect of any specious good, "&c." (p. 24). In short, you are forced to admit, that "the obligation of the Coronation Oath was "not deemed so peremptory upon the King as to "deprive him of a discretion to assent to some "laws for alterations of a particular sort in the "Church establishment" (p. 29). But, not to follow you, Sir, through the laboured tortuosity of your expressions on this embarrassing subject, it is sufficient for me to observe, that the instance in question proves all that your adversaries contend for, and "is a case in point to ascertain the "discretion of the crown," with respect to that very branch of Catholic Emancipation, which you chiefly object to, as unconstitutional. Let me then remind you, Sir, that you have before described the Acts which were passed against the Dissenters,

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in the reign of Charles II. as "guards no less ne-
"cessary for excluding them from obtaining any
"share in the administration of the government,
"and from being in a situation gradually to un-
"dermine it" (p. 13), than those which were then framed for the same purpose against the Catholics; that you have described the characters of these two sects as equally unfavourable to the Constitution; that you have asserted "Presbyte-
"rians to have been equally intolerant in England
"with Popery" (p. 11). I may add, that "if the
"latter attempted to overturn the established
"religion, the former actually destroyed it, and
"monarchy itself together with it." Now, Sir, if, notwithstanding all this, you admit that William III. was not restrained by his Oath from using his discretion with respect to the expediency of removing the "fences and guards," which had been placed but a very few years before for the protection of the Constitution against the Dissenters, and from actually admitting them into the bosom of Parliament itself, I defy you to show how his Majesty is precluded, in the present day, by his Oath, from consenting to the very same indulgence, in favour of his Catholic subjects, if this measure should appear as expedient for the general welfare of Church and State now, as the comprehension of the Dissenters

senters did then. After all it must be allowed, that the spirit of Catholicity, which is monarchical, is more congenial with our Constitution than that of Calvinism, which is certainly more or less democratical. If you still persist in maintaining the revolting positions that his Majesty cannot do that in favour of Catholics which his predecessors have done in behalf of Dissenters, and that the statutes of the 25 Car. II. c. 2. and the 30 Car. II. c. 1. passed under the panic phrensy of a Popish successor, and of an imaginary Popish plot, are the *Pacta Conventa Regni*, as you term them, and absolutely immutable, I will tell you in return, that each of these very statutes has been removed, and in a great measure repealed and deprived of their principal efficacy, by his present Majesty. For by the 33 Geo. III. c. 21. Irish, it is "made lawful for Catholics to hold, exercise, and "enjoy all civil and military offices, or places of "trust and profit, within the kingdom of Ire"land," with the exception of a few therein named; and by the 31 Geo. III. c. 32. English, that clause of 30 Car. II. is repealed, which excludes Catholics from the royal presence and the court. Now I need not instruct you, Sir, from the whole history of the Stuarts, that the greatest jealousy was ever entertained of the influence of Popish courtiers and advisers about

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the King's person, when no danger whatever was apprehended from their weight in parliament.

You now enter at large on the discussion of the legislative Unions between England and Scotland, in the first instance; and between Great Britain and Ireland, in the second. But after having employed several pages on these subjects, you are unable to collect any thing else from them, except that in each of these concordates, the settlement of the Established Church in the parts of the kingdom referred to, is made to remain FOR EVER, on which two words you are never tired with ringing the changes; as if there were any question at present concerning the perpetuity of that Church, or as if Christians of any denomination, who believe their religion to be true, would be content that it should only exist for a limited period. In the end, however, you yourself seem not to be quite satisfied with this argument, having reflected that "all acts "are, in fact, made to last for ever, if no other "are made to repeal them:" you, therefore, wisely abandon it to its fate, in the language of the schools: "*Valeat, quantum valere potest*" (p. 34,). Let us now, Sir, see what arguments against yourself, and in favour of the measure in question, result from these grand national transactions. In the first place, then, it follows from the statute confirming

confirming the Union with Scotland, that the Sovereign's Oath to " maintain the settlement of " the Church of England in its doctrine, worship, " discipline and government, to the utmost of his " power," does not prevent him from even protecting another Church, different from the former in all these particulars, and from admitting its members, in a considerable proportion, into Parliament, and into the highest offices of the State, since the statute in question provides for the security of both these Churches, and for the rights and privileges of their respective members. From the terms of the Irish Union, as I have already intimated, something more express in favour of the particular measure in contemplation is to be collected. For I have already reminded you, that the same articles which provide for the perpetuity of the Established Church in both islands, admit the very principle, which you contend is incomptaible with it, namely, the constitutional legality of remitting the Oaths and declarations, made to exclude Catholics from the senate; since it is agreed upon, that these shall remain in force UNTIL PARLIAMENT SHALL OTHERWISE PROVIDE. This principle then, Sir, which you so strongly contest, and against which your whole publication is levelled, has already received the sanction not only of the respective

spective Parliaments of both islands, but also of his Majesty himself!

In proportion, Sir, as your premises are weak, your conclusions are always strong. "From these "declarations of Parliament, in favour of our Pro-"testant Church, we may collect," as you say, "that it was intended thereby to close for ever "the debate with the Church of Rome" (p. 35.); whereas, in fact, there is nothing more implied by them against that Church, than there is against Presbyterianism, Mahometanism, or any other religion that does not agree "in doctrine, worship, "discipline and government with the Church of "England," but barely an engagement to maintain these, in their primitive state, against external violence and internal decay. To comply with this very engagement, it is self-evident that possibly new fences may be adviseable, new privileges advantageous, and, in short, different measures adapted to the circumstances of the times, may be requisite. Nevertheless, in opposition to the very nature of human things, you describe "the concerns of the Church as stationary," and, therefore, exempt them from the cognizance of Parliament; setting up as bold and extensive a claim for their exemption from temporal jurisdiction, as ever was maintained by the ecclesiastics of the 12th century. This doctrine, Sir, may answer your present purpose, but it is not calculated

for the permament advantage of the Established Church, nor is it that which its friends have asserted in past ages. But I shall say no more on this subject, having before, in part, spoken of it, and I shall pass over altogether your declamations against the "promoting a brother-hood of "affections, and a conciliation of religious dif- "ferences" (p. 38.); with barely observing that these sentiments, in whatsoever mouth they are found, will meet with general applause at the present day.

You now proceed to the fourth and main article of your charge; the only one, as I have said, which there is any absolute necessity of attending to in the present question: namely, that the proposed Emancipation of Catholics is inconsistent with the safety of the establishment. The proposition carries so much absurdity on the face of it, that you are obliged to have recourse to rhetorical amplifications in order to state it. "To "be a Church," you say, "established by law, it "must be in peace and in honour, protected not "only from actual encroachment, but from the "danger of it; without fears or jealousies; not "trembling for its ordinances, or crouching for "the security of its rights and privileges" (p. 39). To this I answer as follows; if the question of real danger had been decided by the affected fears and narrow jealousies of intolerant men, King William's

William's Act in favour of the Dissenters would not have passed, nor would the relaxation of Queen Elizabeth's bloody statutes against Catholics have taken place in the present reign; but if this is to be judged of by the good sense and charity of enlightened and liberal men, who consider the happy effects of the precedent in point, that of the Dissenters' Toleration Act, as also the state and disposition of Catholics, and the restraints upon them, which will still remain after the proposed Emancipation, it will be seen that no danger whatever to the Church can arise from this measure, but rather an additional security, which additional security is one of the leading motives by which so many illustrious Protestant statesmen are actuated in befriending it. Was the Church weakened, or rather was it not as well as the State strengthened, by the comprehension so often mentioned of the Dissenters in King William's time, and by the admission of so many Scotch Presbyterians into Parliament in the following reign? Can the Church be said to "tremble for its ordinances, or to crouch for the "security of its rights and privileges," because Dissenters, and, perhaps, some others, who do not believe quite so much of the established creed as they do, sit in the national senate at the present day, and hold civil and military offices? Have the Dissenters acquired "domination," because they are not excluded from Parliament?

As to the present situation of the Church of Rome, once so powerful, I shall say no more of it now, after all the great events that we have lately witnessed on the Continent, than what Dr. Johnson said of it twenty years ago, namely, that those who cry out POPERY! POPERY! in these times, are like those who might have cried out FIRE! FIRE! in the general deluge. With respect to the English Catholics, I understand, that there are but six peers left amongst them to claim seats in the upper house, in the event of an Emancipation, and that there is no probability of a greater number of their commoners even aiming at that honour in the lower house. And can any real danger arise to the Church from the infusion of these few drops of Catholicity into a Protestant senate, consisting of a hundred times their number, though they were so unnatural as to concur with the Anti-christian faction of the times in attempting its destruction, without any other prospect than that of substituting absolute infidelity in its place, and of involving their own Church in the common ruin? Again, what mischief can arise from their being rendered capable of taking military and civil offices, whilst they can neither accept nor hold such offices but at the pleasure of a Protestant Sovereign? Queen Elizabeth employed Catholics in her service (1), so

(1) Amongst others were the Duke of Norfolk, who was the

so did her two immediate successors (2) during the most vigorous and flourishing age of the established Church. In the reign of James I. above twenty of the principal Lords in Parliament were Catholics. It was only at that disgraceful period, when, as Hume observes, "reason and argument, "and common humanity, had lost all influence "on the public mind," when a host of innocent victims were immolated to a relentless phrensy roused by the dread of a fabricated plot, that the doors of Parliament were shut against Catholics by the 30th of Charles II. sec. 2. And will you any longer describe that statute, as a deliberate act of national wisdom? Will you pretend that it is necessary for the security of the Established Church? Will you assert that, the innocence of Catholics with respect to the said plot being incontestibly demonstrated by all historians, the penalties that were inflicted on that score ought to be perpetuated till the end of time?

the Queen's head commissioner at the Congress of York, and the Earl of Worcester who was her ambassador in France.

(2) The Earl of Northampton, lord privy seal, the Earl of Worcester, master of the horse, Secretary Calvert, in the reign of James I. In the reign of Charles I. were the two Secretaries of State, Lord Cottington and Sir Francis Windebank; the Marquises of Winchester and Worcester, and full one third of the officers and gentlemen who died fighting for their Sovereign.

According

According to the established rules of oratory, Sir, you have reserved your thundering argument for the last. In truth it is, of its own nature, so tremendous a weapon, that if I had not beforehand disarmed it of all its terrors, I should not venture to meddle with it. You tell us then, Sir, that "the Coronation Oath is the original con-"tract on the part of the King, as allegiance is "that on the part of the people" (p. 41). The consequences which you intimate would result from the proposed Emancipation, and particularly from the repeal of the 30th of Charles II. are too obvious to be pointed out, and too seditious to be repeated. I should not indeed have expected from a person of your high-flown notions of kingly power, such dangerous insinuations on this delicate subject, which go to justify almost every rebellion that has ever been raised on religious accounts, nor do I think I should have heard them from you now, if you had given yourself time to reflect on the inferences to be drawn from them. I shall content myself with asking you the following questions: In what reign was the Catholic religion erected into an Establishment in Canada and Corsica? What Sovereign was it, who "with the assistance of "such advisers and counsellers as the usage of "the realm has assigned him" (according to your unconstitutional language), made the law by which

which the Test Act is almost wholly repealed with respect to Catholics, no less than Dissenters in Ireland, as also that law by which the most important branch of the 30th of Charles II. c. 1. is cancelled here in England? In short, who is it that has sanctioned the *principle* for repealing the remaining branch of it in the 4th article of the late Union with Ireland? I need say no more. I am sure your eminent loyalty, your glowing affection for the best, most upright, and most amiable of Sovereigns (an affection which is heightened in your breast, as it is in those of all good subjects, by his late illness, owing, I fear, greatly to the suggestion of unfounded scruples) will make you start from the inferences of your own doctrine, and make you wish that, at least, the pages now before me were utterly cancelled from your book. The truth, however, is, I have already reduced this tremendous argument to the state of a mere *brutum fulmen*, having clearly proved that the Coronation Oath, in no manner interferes with any act of the abovementioned nature, which his Majesty has either sanctioned, or been requested to sanction.

After what you have said concerning the King's contract, contained in his Oath, you find it necessary to make some sort of reply to an obvious objection, namely, that if the other party to the contract consent, viz. the Parliament, as representatives

sentatives of the Church and people, the obligation of it may be remitted (p. 42.). The inference is demonstratively evident, as I have already proved, on the principles both of the Constitution and of morality, though I must once more say, there is no need of any such remission for the present purpose. But no, you alledge this contract never can be cancelled, though both the contracting parties should be desirous of it, because it has been confirmed by an Oath (p. 43.). Give me leave to ask, for what purpose is the Oath, in all such cases, added to the contract, except merely to strengthen it? Hence the contract being dissolved (as when the creditor forgives the debt which the other party may have sworn to pay him), the obligation of the Oath ceases of course with it. Should the case ever happen that the Coronation Oath were again to be changed, by a concurrence of the three branches of the "legislature," it would not be "by the Lords and Commons proposing to the "King to pass a dispensation to absolve himself "from his Oath," (p. 43.) according to your quibbling casuistry; but they, by offering a Bill to the above-mentioned effect would declare, in the name of his subjects, that they no longer held him bound to the obligations of the Oath which they had formerly exacted of him; on the other hand, the King by passing such an act would declare

declare that he accepted of their remission of his obligation.

You conclude with an awful warning of the fatal consequences to be expected from "specula-"tions for a conciliation of religious differences," which you tell us, "lost James his crown" (p. 43). Give me leave, Sir, in return, to inform you, and with all possible earnestness to impress upon your mind, that it was not the bare attempt to "pro-"mote the brotherhood of affections, and to heal "religious differences," which brought about the deposition of that misguided Monarch, since that wise plan has been acted upon, more or less in every subsequent reign, and in none so much as in the present (1); but precisely his affecting that line of conduct, which you contend is the inherent right and duty of the crown, namely, his assuming to regulate the affairs of religion from the suggestions of his own mind, and independently of the advice and authority of Parliament. No, Sir, "the brotherhood of affection, and "the conciliation of religious differences," are

(1) See the preambles of most of the late Tolerating Statutes, particularly that of the 21 and 22 Geo. III. c. 24. Irish, in which it is declared, that it is for "the prosperity "and strength of his Majesty's dominions, that his subjects "of all denominations should enjoy the benefits of a free "Constitution, and be bound to each other by mutual in-"terest and affection."

not the fatal evils to be guarded against at the present day; but contracted views, mean jealousies, bigotted intolerance and internal divisions. Such causes have dissolved those grand confederaces to which the nations of Europe looked up for the preservation of their respective religious as well as civil Constitutions. The same have opened a ready way in each respective state for the victorious entry of their common oppressors. Let the inhabitants of these hitherto privileged islands learn wisdom by their misfortunes. Let us listen to the advice of those great and enlightened statesmen, who assure us that the late Union, carried into effect by a general association of interests, hands and hearts, is indispensibly necessary for the security of the establishment in Church and State of the UNITED KINGDOM.

I have the honour to remain, &c.

The AUTHOR.

POSTSCRIPT.

POSTSCRIPT.

MARCH 19.

THE second edition of your CONSIDERATIONS, with ADDITIONS, having just come to hand, I shall here endeavour to give a satisfactory ANSWER to this additional matter, as, I trust, I have already done to that work in its original state: my only difficulty will be to perform this with the brevity to which I am desirous of confining myself.

The first addition that I have observed in your latter edition is at p. 45, where you notice the argument which the advocates for the admission of Catholics to civil and military offices, have drawn from the restraint they would continue to lie under, in the event of their emancipation, in as much as the disposal of these offices would still rest with a Protestant Sovereign. To this argument you reply: "Why should the odium of making such distinctions be "thrown upon the King; and why should we run the "hazard of some future King not making any such dis-"tinctions at all." I thought, Sir, you had gained some "security on this point, from what you urged concerning it in pages 30, 31 and 32. However that may be, thus much is evident that so far from its becoming odious in the sovereign to exclude persons from office, who were really labouring to supplant the religion of the great mass

of his subjects, nothing would gain him greater popularity. The real odium, according to my opinion, to be avoided in this concern, is that which attaches to the crown, as the laws stand at present. For example, a Catholic nobleman or gentleman, of the highest character for probity, loyalty and patriotism, after having injured his fortune in raising and arming his tenants and dependants for the defence of his King and country, is officially told that he cannot appear at the head of them himself, because he believes in transubstantiation, but that if he will abjure this doctrine according to the declaration of the 25th of Charles II. c. 2. (though he should openly profess himself an infidel or atheist), he may receive his commission. In how many instances has this odious case occured during the course of the present war, though without any blame to his Majesty's government, which must be regulated by the existing laws!

Your next new attempt is directed against the term *Emancipation*, which you say "was invented to confound "the distinction between *toleration* and *domination*." You add: "if Catholics were enslaved or oppressed who would not be on their side? (p. 45. p. 46.) You then compare the *theoretic slavery*, as you term it, of the Catholics with that of the people of Birmingham, in consequence of the latter not sending members to parliament, as the neighbouring people of Coventry and Warwick do. In return, give me leave to observe that your term of *theoretic slavery* is invented to confound the distinction between real and imaginary civil degradation. I grant you, Sir, that the people of Birmingham are not degraded merely because their town, the importance of which is of late growth, is not included in the list of ancient parliamentary boroughs. But the case would be far otherwise if there were a law enacted

that

that no Birmingham man should be eligible in the House of Commons, and that no Peer who has an estate in Birmingham, should be permitted to take his hereditary seat in the House of Lords. To convince you how deeply Catholics do and must feel these very disabilities as real evils, not to speak of the remaining penal laws against them, let me once more refer you to the passage in Mr. Butler's pamphlet, which I have cited above. Again, Sir, whether the advocates for Catholic freedom, in applying, to it the term *Emancipation*, endeavour to confound necessary distinctions, or you in speaking of it as an *ascendency*, as a *domination* (p. 45), as a *sovereignty*, and as an attempt *to become our governors* (p. 47), the intelligent reader will judge. In fact, who would not suppose from such terms as these, that the Catholics, instead of petitioning to be merely put upon a footing with other Dissenters from the Established Church, were requiring the abrogation of the Bill of Rights, and the exclusive possession of all the dignities, offices, and emoluments, secular and ecclesiastical, in the King's dominions? We see here truly exemplified, that magical operation on the human mind, which you speak of on this occasion, and we also view the hand that "holds the dramatic wand" (p. 46).

I pass over the remainder of new matter which you have tacked to your second edition, from p. 47 to p. 52, because it consists of arguments already discussed, or of political speculations and addresses to the passions, in which I certainly am not able to contend with you, or of instructions to Ministers, which it appears they have not thought proper to take, or of a defence of his Majesty's right of negative, which no person ever called in question.

I cannot

I cannot however, help noticing the argument you attempt to draw, in the conclusion of both your editions, from the presumed effect of the Toleration Edict in France, which preceded the destruction of religion in that country; as if the Emancipation of Catholics were likely to be attended with the same effect in this. Surely, Sir, you have not now to learn that this edict was extorted by an Antichristian faction, the declared foes of the Catholic religion, for the express purpose of introducing their own philosophic infidelity in its place: whereas, one of the main objects of the present measure is to strengthen the general cause of Christianity, by uniting the several descriptions of its professors in one common interest and affection, against the gigantic strength of their common enemy.

I come now to consider your OBSERVATIONS on three pamphlets, written in opposition to the opinion which you maintain. Mr. Butler's *Letter to a Nobleman*, my *Case of Conscience Solved*, and the Barrister's *Question as to the Admission of Catholics to Parliament.*

Your first observation is that "it is unfortunate for "the cause of Catholics, considering the imputation that "has been cast upon Romanists in former times, for their "lax doctrines in the article of oaths, to have such a "difficulty to encounter at the outset as the plea of a so-"lemn oath alleged by an August Person," &c. (p. 59.) This passage appears to be directed to Mr. Butler, who is known to be a Catholic. For my part, Sir, I should have expected that a man of your learning would have argued from known facts not from uncertain imputations. We learn that the benevolent disciples of Christ, at their first appearance in the Roman empire, laboured under the imputation

putation of *hating their fellow creatures**, and that Christ himself was accused of working his miracles *by the power of the devil*†. What if the Catholics have been accused of disregarding the obligation of oaths, has not the legislature proved its contempt of this accusation, by admitting them to take an oath, as the test of their civil and social principles? But what is of still more consequence, has not the conduct of Catholics constantly given the lie, and does it not give the lie at the present moment, to the impudent calumny? Reflect, Sir, for an instant, that every oath and declaration framed against these people has always produced its intended effect. There has been no "extenuating, refining or tampering" made use of, as you now charge them with (p. 59), "to reason themselves "out of their consciences." There has been no *occasional conformity* to escape from the legal restraints imposed upon them. They will never be found to have subscribed to the oaths and declarations invented against them except when they have fairly renounced their religion. Shew me now a description of subjects, religious or civil, against whom the oaths and declarations, imposed by the laws, have been equally and as extensively effectual for their intended purposes as those against Catholics. In a word, Sir, if the imputation upon Catholics of tampering with oaths were well founded, they would only have to tamper at the present moment with those of the 25th and the 30th of Charles II. when their Emancipation would immediately be effected, without any need of troubling themselves about the Oaths of his Majesty, or of any other person whomsoever. From what I have here said, and

* "Odio humani generis convicti." Tacit. Ann. Lib. xv.

† Mat. xii. 22.

from what I have elsewhere said, it will appear how strongly I reprobate the attempt "to reason any person "out of the religion which he attaches to an Oath." And yet, Sir, notwithstanding this, I hold it to be just and rational, carefully to examine into the nature and the extent of the obligations of every Oath, or other engagement we are called upon to make, by such lights as we can procure for this purpose; and, of course, I hold it to be lawful and commendable in others, whom their offices or their talents and education have qualified for the undertaking, to assist us with their reflections and counsel for this purpose. It appears, however, that your opinion widely differs from mine in this particular. Hence you compare every man, who takes an official Oath, to "a "witness in the witness-box, without advice, counsel, "or suggestion, but that of his own conscience." The fact is, a witness in a court of justice, being to give evidence of what he himself has seen or heard, must know such things better than any other person can inform him, and therefore he cannot stand in need of any advice or suggestion as to the matter of his evidence; but, with respect to the nature and extent of his Oath, even "the witness, in the witness box," may and constantly is admonished by the judge, the jury, the counsellors, in short, by every person who has liberty to open his mouth in court. For much more obvious reasons is there a constant necessity of jurymen, commissioners, executors, administrators, and other persons who take official Oaths of all kinds, being admonished, concerning the nature and purport of such Oaths, not only by judges and other authorized personages, but also by divines and moral writers. In fact, with all these advantages,

vantages, they will frequently be found to have been deluded by the most groundless scruples, and much more generally to have been seduced by their interested passions.

You now, Sir, are pleased to honour me with your particular notice. I wish you had thought me worthy of your reasoning: because I think it better to be guided by your arguments than by your authority. You first find fault with the title of *Casuist*, which I have taken in my Pamphlet. (p. 60) For my part, I thought that *Cases of Conscience* properly fell within the department of *Casuistry*. After all, if I am a Casuist on one side of the question, you are a Casuist on the other. The chief difference between us is, that you profess to dispise, whilst I respect, the established rules of the science which we both treat of. After all, the public will judge whether my "*quiddities*," as you term them, being the collected wisdom and morality of past ages, or your quoddities, which are the fertile growth of your own imagination are the more rational. You say that my "quiddities are brought together from Popish authors." The Papists will thank you for giving up to them the great light of the fifth century, St. Augustine, whom I have named, and the other ancient Fathers whom I have referred to. The fact is, I have in general, borrowed my maxims and rules concerning Oaths from the *Canon Law*, which, where it is not set aside by particular statutes, forms the law of the land (1), being that by which our court of Doctors Commons and all the ecclesiastical courts of the kingdom are guided in pronouncing upon such matters. With respect to modern divines, I have remarked that, however they may differ amongst themselves upon other matters,

(1) Blackstone's Comment. Introd. Sec. III.

I have not been able to discover any difference amongst them, concerning the rules for ascertaining the obligation of Oaths. There is, however, no necessity of any authority at all to support the justice of the maxims and rules which I have laid down in my Pamphlet. They carry their own evidence along with them, which, in no point of view, will appear so clear, as if any person were to affirm the contradictory of each of them. For example, how will the following positions sound in the ears of any rational person :—*A man is obliged to keep an unlawful, impossible, or ridiculous Oath ; if he swear to render any service to another person, he must perform it, though it should become injurious to that person ; though the latter should remit the obligation ; or though a prince, parent, husband, or other absolute superior, should pronounce that the performance of it interferes with the prior and superior duty which is respectively due to them.* Still, however, you venture to assert, that these same rules " furnish sufficient prece- " dents to dispence with all the Oaths taken in the King's " dominions, whether for office or judicature," (p. 60). This, Sir, being an imputation which deeply affects my feelings and character, I must be excused for throwing down the gauntlet of defiance to you, and calling upon you, in the face of the learned world, to prove your assertion. The case is, from not having previously attended to these subjects, you confound the necessary division which I made between assertory and promissory Oaths. Truth, Sir, is immutable and eternal, and, therefore, those Popish Fathers, whom you so unadvisedly ridicule, teach that an assertory Oath is not to be violated, nor, indeed, the most trivial lie told, to save an innocent man's life ; no, not to preserve the whole universe from destruction. But the relations between man and man being

being various and changeable, they shew that our promissory Oaths, or other engagements, though no less binding upon the conscience than the others, when their individual object is ascertained, are subject to the rules which I have laid down as to the manner of fulfilling them. I trust, Sir, that the whole of what I have advanced tends not to weaken, but to strengthen the religion attached to Oaths.

There is no necessity of my defending Mr. Butler and the Barrister, who next fall under your observation, as they are well able to defend themselves: and yet I cannot forbear noticing the streights into which they have both driven you, even as you yourself represent the state of the controversy. The former of these gentlemen has victoriously argued, that whatsoever else the Coronation Oath implies, it does not imply that Catholics cannot be members of Parliament, or enjoy civil and military offices, because for some years after that Oath had been fixed in Ireland, and after William and Mary had actually taken it, Catholics continued to occupy seats in both houses of the legislature, and to hold civil and military offices in that kingdom, until successive acts were made in England to deprive them of those advantages. The reasoning is demonstrative, and you feel it such. Accordingly you are forced to shift your ground, where you say: "the "Oath must refer to the system of law that was in force, "not when the act passed, but when the Oath was "taken," (p. 62.) that is to say: *if the Oath did not mean to exclude Catholics when the act passed for appointing it, it means to exclude them now!* And what then, Sir, becomes of all your laboured arguments against the measures in contemplation, drawn from the supposed intentions of the Revolutionists of the last century, in fixing the

present Coronation Oath, which, form the greatest part of your Pamphlet! You are evidently seen to be between the horns of a dilemma, from which all your address can never extricate you.

You are not more successful in your contest with the Barrister. This Gentleman has pleaded that supposing, for the sake of argument, the King to be bound by his Oath to his subjects, not to admit Catholics into Parliament (although the supposition is absurd), nevertheless, if his said subjects, in Parliament assembled, should pray him to pass a bill for their admission, he would, by the very nature of a contract, be at liberty to do so.—I have argued to the same effect, and no reasoning can be more demonstrative. But no, you say; "this contract is not "a Parliamentary proceeding," (p. 64) "It is a contract "made *immediately*, between the King and all and every "subject throughout the kingdom, to say nothing of his "whole dominions." (p. 65)"It is the original contract "of the State, in which the King engages to govern, and "the subject to bear allegiance." (ibid). "It is con-"tracted *directly* and *individually* with the whole king-"dom—not virtually and by representation." (ibid,) "It "is a contract with us *immediately* and *personally*; and "none can redress it but ourselves, (p. 66). "This is "not the whole case, for posterity are as much concern-"ed as ourselves." (p. 67.) What an assemblage of portentous and ruinous doctrines! If the contract of the Coronation Oath, be "not a Parliamentary proceeding," why have you taken so much pains to prove it such, throughout your Pamphlet! Again, if the contract has been made "*immediately—individually—directly*—and *personally* "between the King and all and every subject throughout "the kingdom, to say nothing of his whole dominions;"

I should

I should be glad to know at what time his Majesty was reduced to that unexampled state of degradation and misery of being obliged *immediately*, *individually*, *directly* and *personally* to transact business with all his subjects? I am sure this did not take place at his Coronation, which I am old enough to remember. If this contract, as you understand it to be, is "the original contract of the State" how comes it that there have been so many alterations in religion since the Constitution was formed? By what means was the Reformation itself effected? And why are not Blackstone's Commentaries, which teach that Parliament in its omnipotence is still competent to change the religion of the land, condemned to the flames?—Finally, if we cannot make laws affecting "posterity," as our ancestors have made laws affecting us, no remedy whatever can be applied to our growing evils, no provision can be made against our encreasing dangers. On the contrary, we must adopt the wisdom of your favourite maxim of "NOT DOING," in its utmost extent, to the infinite satisfaction and advantage of our inveterate and restless enemies.

"*Hoc Ithacus velit, et magno mercentur Atride.*"

Virg. Æn. II.

APPENDIX.

Observations on a Publication intituled a Sequel to the Serious Examination into the Catholic Claims, containing a more particular Inquiry into the Doctrines of Popery, as formerly held, and as now professed; with Remarks on some late Publications of Mr. Keogh, Mr. Quin, Sir John Throckmorton, and Dr. Milner, by the Rev. Thomas Le Messurier, Rector of Newton Longville, &c.

JUST at the finishing of this second edition of the *Case of Conscience*, I received a copy of Mr. Le Messurier's *Sequel*, written in a style of virulence and grossness which on subjects of religious controversy, is now almost peculiar to the descendants of Irish Oliverians and French Hugenots. I should therefore have turned from my present challenger with disgust, as I have herctofore done, instead of entering the lists with him, had I not been earnestly called upon by certain friends to take some notice of him, and were I not, as I have stated above, actually in the press at the present moment.

That this Rev. Gentleman is actuated by a different spirit from the Clergy of the Church of England in general, is the subject of his reproach to them, and of his boast for himself; though he says "the Irish Clergy have "distinguished

" distinguished themselves" in the manner he has done ; and he bitterly complains of the British Critic, for " en- " couraging the members of the established Church to go " to sleep" by refusing to review his former pamphlet, whilst he is equally severe upon the Monthly and the Edinburgh Reviewers for " passing such a censure upon him, as they " imagined, might prevent his Serious Examination from " being read."

To give a specimen of his style, with respect to myself, he charges me with " impudent sophisms,"—" impudent " assertions,"—" an impudent and abominable way"— " with Popish quirks and cavils"--finally with "downright " lies ;" (1) and he signifies that even this language is not *strong enough* to be used against me.

As to the materials of the publication, they consist of those antiquated and revolting calumnies against Catholics, which a thousand times have been refuted, and which now are despised by all Protestants of decency and education ; as appears from the debates upon the Catholic question in both houses of Parliament. But the uncharitable and mischeivous falsehoods which are out of date with most English Protestants, are not so with Mr. Le Messurier and his friend Dr. Duigenan. Accordingly the former in his work, now under consideration, amongst a great mass of other calumnious and inflammatory matter, equally unbecoming a good subject, and a good Christian, proclaims to the public, that faith is not to be placed in the oaths of Catholics, not even in those by which they have abjured " the doctrine of deposing and killing heretical Kings ;" (2) that their " con- " sciences are not easy under the burden of their oaths," (3) that " to a sincere, and still more to an artful and

(1) Sequel p. 4. (2) Page 17. (3) Page 18.

" ambitious

" ambitious Roman Catholic, it must, without all question, " appear that his oath of allegiance is not and never could " be of any force ; (4) that Catholics must wish for (the " Kings') dethronement ;" (5) that " the assertions now " made, *that the persecution of heretics and the power of the* " *Popes to depose heretical Kings are not doctrines of the* " *Church*, are so notoriously false, that they tend to cast " an additional degree of suspicion upon the professions " of those who make them ;" (6) finally that " the Pa- " pists always have been rank Jacobines." (7) However disgusting the task is of being obliged to contemplate such filthy matter, and to treat with a person who is capable of bringing it forward, I shall proceed to give such answers to the substance of Mr. Le Messurier's book, as will satisfy every description of subjects, except the two above mentioned.

To sound an alarm throughout the land, importing that one quarter part of his Majesty's European subjects, to the amount of between four and five millions of souls (without including the Canadians, Maltese, &c.) cannot be loyal under a Protestant Government, but that they are Jacobines, and must wish for the dethronement of the King, and hold their oath of allegiance to be unlawful, is not only dangerous and seditious doctrine, especially at such a time as this; but also the grossest libel on the several proclamations of government, and the legislative Acts of the King, Lords and Commons in both Islands, since these expressly declare the contradictory propositions.— But, says our Guernsey Divine, " no Bishop or Priest " has taken those Oaths ;" (8) " and yet who does not " see that entirely as the consciences of all the Romish

(4) Page 63. (5) Pape 71. (6) Page 72.
(7) Page 51. (8) Page 19.

" laity

" laity are subjected to their Priests, completely, as their " sacrament of penance binds them to adopt the judgment " of their confessors, the subscription of their Priests " was and is the only security for the doctrine of their church." (9) How shall I qualify the main falsehood on which the Rev. Divine builds this and a great deal more nonsense, (for nonsense it is, as well as malice) in order to render Catholics odious and suspected to their fellow subjects, and to Government?—I will state the fact itself, and will then leave Mr. Le Messurier himself to qualify it. The truth then is, the several Bishops who directed the English Catholics in 1791, when the Act for their relief passed, took the Oath prescribed in that Act, and, by their respective pastoral letters, still in print, recommended the taking of it to their Clergy, and laity; it was taken by them accordingly, as the records of the different courts will shew. In case the Rev. Examiner wishes to see the record of my oath of allegiance, he will find it in the custody of the town clerk of Winchester. The Irish Prelates and Clergy, no less than the laity, as generally took the oath prescribed to them by their act of 1793; as Lord Grenville and Mr. Fox, who were furnished with certificates of the fact, declared in the Houses of Parliament two years ago. The latter gentleman, on the same occasion, read a letter, signed by the four Catholic Archbishops of Ireland, in the name of their Brethren, and Clergy, certifying their subscriptions to the petition then before Parliament, and stating that their omitting to sign it, in the first instance, was because it related only to civil concerns. I now leave the Rev. Gentleman to consider of the proper qualifica-

(9) Page 19.

tion for his assertions. Had I advanced such flagrant falsehoods, and of such a tendency, I am aware, he would have charged me with impudence and lies: but I am not accustomed to use such language to any gentleman, nor indeed to any man: and otherwise, I do not think it would be right to qualify thus harshly the mere aberrations of a mind disordered with religious terrors.

In looking back on the above quoted blundering enthymem, as logicians would call it, I do not know whether I can excuse the consequent proposition on the same ground that I have excused the antecedent; because from this and other passages, it appears to me that the Rev. Divine lives in the habitual violation of the injunctions of that book, to the whole of which he has solemnly sworn his *assent and consent.* In fact, having employed a great deal of obloquy and misrepresentation on the subject of private confession, by way of guarding against a retorsion, he takes care to disclaim for himself every thing except what he calls "a *ministerial* absolution." He adds: "we only say, in general terms: *repent and you shall be* "*forgiven.*" (10) And yet he is required, by that very book, to pronounce upon the dying sinner, the very same authoritative sentence of absolution which is prescribed in the Catholic Ritual. (11) Nay, he received the order of Priesthood in his own Church precisely by the communication of the *power of forgiving and retaining sins*, (12) in the same manner as takes place in the Catholic Church. —He proceeds: "we do not in the ordinary course of

(10) Page 53.

(11) See order for Visiting the Sick in the Common Prayer Book.

(12) See the form of ordering Priests.

"our

" our ministry make inquiry into the lives and opinions " of individuals, nor reprove them further than as they " are openly scandalous." (13) And yet this Divine is required, by the rubric in question, " to move the sick person " to make a special confession of his sins" (14) and he is elsewhere required under pain of irregularity, that is to say, of an incapacity to exercise any ecclesiastical function, or hold any benefice, to observe the most profound silence with respect to all private sins which shall have been confessed to him. (15)

This examiner else where argues in the following manner: " the oath which has been taken by Romanists " is not, and could never be of any force, as having for its " object that which is unlawful. For does not every " Romanist consider the Pope as spiritual head of the " Catholic Church by divine appointment?" (16) He had before objected that Catholics " will not acknowledge " the king to be their sovereign, in the full and unlimited " sense, in which he is acknowledged so to be by all other " descriptions of his subjects." (17)

Were then the Kings, Lords and Commons ignorant that we Catholics acknowledged the Bishop of Rome to be their *spiritual head*, when they enacted, and received the oaths in question, as a sufficient test of our allegiance? And is it reserved for this Guernsey Divine to discover what has escaped the wisdom of the British Parliament, namely, that a fourth part of his majesty's subjects are incapable of binding themselves to him? The examiner's argument, if it had any force, would prove that all our good ancestors, and indeed all our fellow Ca-

(13) Page 53.
(14) Order for Visiting the Sick.
(15) Can. Eccl. 1. Jac 1. Can. 113.
(16) Page 63. (17) Page 15.

 tholic

every country, and of every age, no less than ourselves, were bad subjects, even with respect to kings of their own communion; it would prove the impossibility of observing our Saviour's injunction, of *giving to Cæsar the things that belong to Cæsar, and to God the things that belong to God;* it would justify the sanguinary outcries of the enemies of Christ, for calling himself a *king*, notwithstanding he declared his *kingdom not to be of this world.* Surely an English king need not to be alarmed at that ghostly dominion which excited neither the fears nor the jealousy of a Louis XIV, a Catharine of Russia, of Frederick of Prussia, or even of the great Turk! It is false that all descriptions of people, except Catholics, acknowledge the spiritual supremacy of the Crown; for this is denied by dissenters of every description. Yet the legislature, so far from drawing those malicious and tyrannical conclusions out of this denial which the examiner suggests at the revolution, actually expunged from the common oath of allegiance the clauses implying this supremacy, in order to accommodate their scruples, as it has since suppressed the denial of the Pope's spiritual supremacy in our favour; thereby acknowledging that civil allegiance does not essentially extend any further than to civil duties. (18) If there is any candid British Protestant

(18) I grant that the favours of the Crown are nominally confined to persons of the Church of England. I say *nominally*, because it is notorious that the annual Indemnity bill renders the Test Act a mere bug-bear to all religionists, except to Catholics. How many members of the Church of Scotland, not only have possessed the other highest offices of the state, but have even been keepers of the King's conscience and distributors of ecclesiastical benefices? I have been assured that the present Lord Melville in the zenith of his preferment

(for it would be vain in me to talk of candour to a Mr. Le M. or a Dr. D.) who is not quite convinced by these arguments of the innoxious quality of the Pope's supremacy; I wish to ask him, whether, in case he had lived in the time of Christ, or of the Apostles, who then resided in Judea under the civil dominion of the Roman Emperors, he would not have acknowledged a certain spiritual supremacy in them, with respect to the doctrine and discipline of the Christian Religion? And whether in so doing, he would have conceived himself to infringe the sovereignty, or civil rights of the independant British Kings, Cunobelinus, Caractacus, or whoever else happened to be his sovereign in this Island? the conclusion is too obvious to need pointing out.

But, says this shrewd examiner, the Catholics, in their petition to Parliament, "complained of the imposition "(of the oaths) as a grievance and a degradation. They "thus made it evident that one of their views was to be "relieved from that tie. The idea therefore naturally "suggests itself that their consciences are not entirely "easy under the burthen of those oaths.—Does any Pro-"testant think that his loyalty is called in question when "he is compelled to take the oath of allegiance? &c." (19)

Yes, the Catholics do complain, as well they may, not of the wisdom of the legislature, in imposing such oaths, but of the bigotry of fanatics which forces the legislature to impose them. The Catholics complain, not

preferment fairly answered a question proposed to him by the King, as follows: "Sir I am a Deacon of the Kirk, and "I never have qualified, and I never will qualify."

(19) Page 18.

in

in being called upon to swear allegiance to their sovereign, which they consider as an honour; but in being required to abjure detestable and impious tenets to which their conduct no less than their creed gives the lie; just in the same manner as I now complain that I am obliged to wipe off aspersions, so peculiarly foul and malicious as those are which the Rev. Examiner casts upon me and his other fellow subjects. Suffering, as we do, disabilities, hardships and (what is more trying) the reproach of perjury from men who were never known to lose any thing which could be obtained by swearing, in consequence of our reverence for the inviolable nature of an oath, we feel indignant after swearing allegiance, to be obliged to swear that *we hold our oath to be binding and indispensible.* Exposed as we still are to certain penal laws, and having, but a very short time ago, obtained to be released from others that were capital, on the mere score of our religion, (20) we cannot but think it extraordinary to be required to *abjure the doctrine of persecution.* Let Mr. Le Messurier suppose that in swearing allegiance to the King, he were at the same time required to swear he does not hold it lawful to commit murder, adultery and all the abominations of the Cathari Albigenses, &c. (21) and he will be enabled to enter into the feelings of the Catholic Petitioners.

Still urges this indefatigable antagonist: "some one "will say; why harp upon what Dr. Milner has sworn?

(20) See the statute book, and letters to a Prebendary. Reign of Eliz.

(21) Mosheim says of them that "their pestilential fana- "ticism was a public nuisance to many countries in Europe "during 400 years." Preface Maclaine's Trans. Vol. I. Page 28.

"Has

" Has he not told you that he means no such thing?
" Have not the universities of Louvaine, of Douay, of
" Paris, of Valladolid, of Salamanca told you, that they
" do not hold that the Pope has any temporal power over
" Princes? Now, in the first place, let me answer that
" Dr. Milner is only an individual: if I were to believe
" his assertion against his oath, does that prove what
" Dr. Milner thinks? what the Irish titular bishops
" think? what all the hosts of Priests in Ireland think?
" does it prove what is still more material, what the Di-
" vines at Rome think? what his holiness, the Pope
" thinks?" (22) " That it (the deposing doctrine) has
" not been, as I verily believe it still is, a doctrine of that
" Church, is such falsehood, so notorious and barefaced
" falsehood, that to any man that makes it, I know not how
" we can give it credit upon any point. Any man who
" but opens the pages of history will see that it has been
" the constant practice of that Church....If this be not
" enough let him turn to Foulis's book and read the quo-
" tations from not less than 200 doctors (23)....But if
" this number be not sufficient, Julianus Taboctius, a
" French civilian, doth assure us long ago, that there had
" been six hundred thousand, Sexcentæ Myriades," (I wish Julianus Taboctius and Mr. Le Messurier would make use of their Lexicons, for *Sexcentæ Myriades*, mean *six millions*, instead of *six hundred thousand*) " famous writers
" in behalf of the Pope's authority to depose Kings and
" Emperors at his pleasure" (24.)

I shall take another occasion to vindicate myself from the particular charges which the Rev. Divine brings against me: in the mean time by way of silencing at once

(22) Page 30. (23) Page 32. (24) Page 21.

the

the tremendous battery which he has opened upon the Catholic body in general I answer; although the foul writer, whom he quotes, were an authority to be appealed to, instead of being a common detractor, (25) although Julianus Taboctius (whoever he was) had really verified in six millions of famous writers, the tenet which he never saw in any one of them, namely that the Pope can depose sovereigns *at his Pleasure:* although, what this unread clerk (26) advances, upon his own authority, were as certainly true, as it is notoriously false; that, "during "four centuries (preceding the Council of Trent) there "was not a being in the church that presumed to advance "a word against the King-deposing and King-killing "doctrine;" (27) although the Popes had, in succession, uniformly acted upon this principle by dethroning and putting to death the greater part of their contemporary Princes, instead of using their best means, as they generally did, to protect their lives and dominions and to preserve the balance of power amongst them; nay, although it should appear that Dr. Duigenan and Mr. Le Messurier, who are unacquainted with the tenets and canons of their

(25) This writer whose name gave occasion to many deserved sarcasms when he wrote, has left behind him a folio history of Romish Treasons and Usurpations, and another folio history of the Wicked Plots and Conspiracies of our pretended Saints, namely the Dissenters. His mind was formed to delight in nothing but scandal, real or fabricated.

(26) If it were worth while to note the errors of an ephemeral polemic I might observe that he has in the passage under consideration fallen into four historical or chronological errors within the compass of as many lines.

(27) Page 21

own

own church, are better acquainted with our tenets and canons, than we Catholics, laity, clergy and prelates put together are, and that they should be able to demonstrate the obligation we are under of holding the king-deposing, king-killing and other obnoxious doctrines which they ascribe to us; still all this will make nothing for their charitable purpose, unless they can also prove that we English and Irish Catholics do actually maintain those doctrines. Now it so happens that we have solemnly abjured them; and what must be more fatal to the charitable attempts of these gentlemen; we have so behaved ourselves in the eyes of our fellow subjects and of government itself, as to be believed upon our oaths. What then is it to this civilian, who himself served at mass till preferment smiled upon him, or to this Guernsey Divine, supposing we should have belied the essential doctrine of our Church and abandoned our faith, in denying these doctrines? It is for the Pope and foreign Catholics to call us to an account for our apostacy, and not for Dr. Duigenan and Mr. Le Messurier. They ought in the spirit of christianity and patriotism to congratulate with us upon our conversion; and if they wished to triumph, the only triumph they would have to boast of would be in disproving the position of my venerable friend Dr. Troy and of Mr. Plowden, which forms the minor in all their persecuting syllogisms; namely, that the "Catholic Church is *semper eadem*." (28.)

This line of reasoning, which is perfectly conclusive, exempts me from the necessity of repelling a great number of falsehoods or groundless assumptions of Le Messurier, and his curious authorities Foulis and Julianus Taboctius. It exempts me also from the necessity of

(28) Page 31.

retorting the objection upon my adversary. For it would be an easy task to prove that more sentences of deposition were published by the fathers and founders of the reformation, Luther, Muncer, Zuinglius, Calvin, Beza, Knox, Goodman, Cranmer, Ridley, and Poynet, than ever were pronounced by all the Popes put together; and that more sovereign princes were actually deprived of the whole or part of their dominions, on the score of religion, by the reformers, within the first 130 years from their rise, down to the beheading of Charles I, than were deposed by the Popes during a thousand years before the first mentioned event. Finally, it exempts me from the necessity of touching upon the delicate history of the revolution, and of shewing that this undisciplined Drawcansir, like his associate Mr. Churton, brandishes his two-edged sword with such blind fury as to endanger alike his friends and his foes.

It has been seen above that one of the Rev. Examiner's arguments, against placing confidence in the oaths of allegiance of Catholics, rests on his unblushing falsehood, that "no bishop or priest has ever taken those oaths;" he elsewhere says, speaking of the bishops and priests: "They have not at all bound themselves, and they will "take care not to bind themselves, and by the oaths which "they have already taken, they are incapable of binding "themselves." (29.) The assertion concerning our unwillingness to bind ourselves by a supposed unlawful oath is a compliment to our consciences which we had little reason to expect from this Rev. Examiner, and thus far it would merit our thanks; if it were not flatly contradicted in other passages of his self-refuting performance. But why is it that we are incapable of binding ourselves by an oath of fidelity to his Majesty? His answer to this ques-

(29) Page 20.

tion

tion will explain the grounds upon which he has accused me above of making "assertions against my oath," and of "having sworn" what "I do not mean;" or in plain words, of perjury. To be brief, he quotes at great length an inaccurate English translation of the old established consecration-oath of Catholic bishops, the substance of which, or at least whatever seems to make for his purpose, is to this effect: they promise obedience to the Roman Church and the Pope; not to advise or give their consent to the murdering, wounding, or imprisoning of the latter; to assist him, saving their order, (salvo meo ordine,) in retaining the popedom and the regalia or royalties of St. Peter; to observe the apostolic decrees, and to pursue and oppose heretics and schismatics. (30.) Now where is the inconsistency of this with the oath of allegiance? For first, if there were such inconsistency, would it not equally exist with respect to oaths taken by all foreign Catholic bishops to their respective sovereigns? Secondly, do not the bishops of the established Church swear absolutely and without any *Salvo* "obedience to the Archbishop "and the Metropolitical See of Canterbury, (or York,)" (31,) which implies an obligation of defending their rights, possessions, and royalties? And has not Mr. Le Messurier himself, at his ordination both to Deaconship and Priesthood, sworn absolutely and without any condition "to obey his ordinary and other chief ministers of "the Church?" (32.) But, lastly and principally, can the Rev. Examiner find any passage in the consecration oath, by which the Catholic bishop pledges himself to assist the Pope in getting possession of and retaining the United

(30) Page 21.

(31) Form of consecrating.

(32) Form of ordering.

Kingdom of Great Britain with the territories, rights, honours, privileges, and authority thereunto belonging, or any part of the same? If the Rev. Examiner cannot discover any thing of this sort in the consecration oath, I humbly presume I am at perfect liberty to swear civil allegiance to King George III, without either perjury or inconsistency. (33.) Let me but give his sacred Majesty his due, and I fancy I am free to defend by words (for my order prevents me from adopting any other mode of defence,) that which his said Majesty defended by his arms, but a few years ago, the right of the Pope to the See of Rome, with the privileges annexed to it, and even to that beautiful domain in the heart of Italy called the patrimony of St. Peter; or if, I think proper I may defend the great Lama in his rights and royalties of Thibet.

(33) It is proper here to add that the See of Rome, in a rescript addressed to the Catholic Prelates of Ireland, dated June 23, 1791, so far from acknowledging any opposition between an oath of allegiance to his Majesty and the consecration oath, has virtually incorporated the former with the latter, in the new formulary which is now appointed for those Prelates. In another rescript of the same date, the Pope declares that: "The See of Rome never taught that "faith is not be kept with the heterodox, or that an oath to "Kings separated from the Catholic communion can be vio-"lated, or that it is lawful for the Bishop of Rome to invade "their temporal rights and dominions." He adds; "we too "consider an attempt or design against the life of kings and "princes, even under the pretext of religion, as a horrid and "detestable crime." See Dr. Troy's Pastoral Instructions, 1798, Keating and Co. So much for Julianus Taboctius and his 6,000,000 of famous writers for the king-deposing and king-killing doctrine!

Having

Having laboured to prove that Catholic bishops are incapable of binding themselves by an oath of allegiance, the Rev. Gentleman next endeavours to extend this incapacity to all Catholic priests. For this purpose he says: "every "priest, at his ordination, subscribes and swears to the "Creed of Pope, St. (yes Saint) Pius V." (34) the two last articles of which Creed, implying canonical obedience to the bishop of Rome, and a reception of the canons and general councils, he quotes at length.

The Rev. Divine has two objects here in view; one of them is to throw ridicule on St. Pius; the other is to prove that Catholic priests, at their ordination, subcribe and swear to a profession of faith incompatible with the oath of allegiance. But how will this serious and yet superficial examiner look when he comes to learn that he has completely failed in both these designs? For first, if the Creed in question were incompatible with the oath of allegiance, which it by no means is, it was not "drawn "up," as he elsewhere affirms (35), or published by Pope St. (yes Saint) Pius V, but by Pope Pius IV, who was no Saint at all. Secondly, whoever was the author of this Creed, or whatever may be the purport of it, this Creed neither is nor ever was subscribed or sworn to by priests at their ordination; the Apostle's Creed being the only one appointed for this occasion. What epithets shall I now apply to such gross errors of a Rev. Divine in his professional study? Certainly not those coarse ones which he so liberally bestows upon me. I will then barely say that he has been misled by his blundering friend, Dr. Patrick Duigenan. (36.) When I lately reproached him, in the Gentleman's Magazine with having borrowed some

(34) Page 24. (35) Page 21.

(36) See his Speech, May 19, 1805, Page 19, Hatchard.

incoherent

incoherent cavils against my Case of Conscience from the Irish Doctor, (37,) he answered: no, but the Doctor borrowed them from me. (38.) It is evident, however, from dates, that this cannot be the case in the present instance; but that Dr. Duigenan is the original blunderer and Mr. Le Messurier his plagiary.

With respect to the doctrine contained in my *Case of Conscience*, concerning the obligation of oaths in general, I have occasion to add but little to what I have said in the present preface, especially as the work itself is again before the public to speak for itself. Indeed my adversary seems now to give up his captious attack upon it, with a complaint that I have made "a new explanation or dis-"covery," (39,) intimating that I have taken ground on which he cannot meet me. "And what is this discovery?" For it is evidently a discovery to this Divine; though well known to Pagan philosophers: that *it is the office of the Cardinal Virtue of Prudence to direct us in all our actions, with reference to the end of our creation, and that to be virtuous is always expedient.* But when he quotes as my words the following false and absurd position: "Every "promise, however confirmed by oath, must be treated "on that ground, (of expediency,) *and upon no other*," (40) he is guilty of an unpardonable forgery; for I must here call the thing by its proper name. I never then said or intimated that the question of expediency, even as here explained, was the *only one* to be attended to by a moral man with respect to his oath; on the contrary I have expressly shewn that several other inquiries are to be made

(37) See Appendix to Sequel, Page xiii.
(38) Ibid Page xix.
(39) Ibid Page xxvii.
(40) Ibid Page xxii.

by

by him; as, Whether the oath was actually made? What is the precise import of it? Whether the object of it is a thing lawful? Whether it is a thing rational? All these, and several other questions evidently present themselves for discussion before that of expediency; which expediency I have again and again declared means not a selfish principle, of a man's own temporal interest, (or I may add that of his party, his religion, his king, or his country,) but a motive for performing that duty, which, in the seeming conflict of duties, and in the existing circumstances, ought hic et nunc to be performed. This explanation affords an answer to the cavil, which my antagonist has raised against what I said about preferring *the greater good*. For it is evidently not a greater good, nor indeed any good at all, for a man to break a valid oath, on any account whatever; inasmuch as God refuses to be served by the infraction of his own laws, as I have expressly taught, and as the Pope himself teaches in a passage which I have cited; and inasmuch as *evil is not to be done in order that good may come of it*, according to the maxim of all ethical doctors. And yet, by way of bringing this matter home to the grand point in debate, I maintain that the King cannot be bound to any measure which is evidently injurious to his subjects. Any oath of this description which he might take was either null *ab initio*, or ceased to be binding, when its injurious tendency was ascertained. The father of the people can no more bind himself to do them wrong, than the natural father can to destroy his own offspring.

I shall make very short of what relates to an Hon. and learned Gentleman, concerning whose speech in Parliament a second controversy has been raised. Finding myself accused by Messrs Churton and Le Messurier, in their

their respective Pamphlets, as I had been accused before by Dr. Duigenan in the House of Commons, for having published false and immoral doctrine on the subject of Oaths ; I did, certainly, as I always should be happy to do, in similar circumstances, shelter myself under the protection of one of the most profound ethical scholars and learned civilians in Europe, Dr. Lawrence, who, in his admirable speech on the occasion alluded to, defended my work at great length, with an eloquence and force of argument which gave entire satisfaction to the House, and particularly to Mr. Pitt, and the gentleman who now fills his place, Mr Perceval. This Speech I quoted from Cuthel and Martin's report of it, being the most detailed report I was then acquainted with. (41.) It is very possible that the Hon. and learned Member may have said that it was not throughout accurate ; as what report of a long speech, published from memory or short notes ever was ? I have good reason, however, to know that it is not essentially unfaithful, as it served for the basis of a more correct and enlarged report of the same speech, published by Cobbett. What now, says my Rev. Antagonist ? He calls the speech in question, " a supposed speech ;" he accuses me of " pressing Dr. L. into the service," viz. of defending my doctrine, and he pronounces " it is a " fraud," but " clears Dr. L. from having any concern " in the fraud." (42.) What disingenuity ! What real fraud is here ! For would not any uninformed person suppose from these expressions, that Dr. L. never said a word on the occasion alluded to in vindication of my book! And yet that he did then vindicate it, and that he spoke in the most flattering terms of the author, are facts, known to

(41) Gent. Mag. for Sept. 1806.

(42) Gent. Mag. for January 1807.

every

every member of the House of Commons, and indeed to every one who read the newspapers of the period in question. I do not, like the Rev. Divine, refer to publications which have never been made (43); but I trust that the Gentleman's Magazine for the present month, June, will contain the Hon and learned Member's own account of this business; and, from that account, when it appears, I wish the public to form their judgment of it.

If our serious examiner is intemperate and rude on most of the foregoing subjects, he is perfectly outrageous, whenever he touches upon that of persecution. I have shewn how essentially necessary this topic is (44) to anniversary preachers on the Fifth of November, and to other angry controvertists, and, I may add, to subtile politicians, when it suits their purpose to raise the miscreant cry of NO POPERY, or to excite the well-dressed, or ill-dressed part of an uninformed population to a hatred of the devoted Papists. All other topics are cold, and uninteresting, compared with this. But let the preacher, or orator once succeed in persuading his audience, that, to

(43) In the Appendix to his Sequel, Page xxix, he refers to a pretended letter of his, "inserted in the Gent. "Mag. for April 6, 1807." No such letter there exists. Is this to be called a forgery, a false quotation, or a mistake?

(44) In addition to this device I have shewn the importance of frequent publications of John Fox's Lying Book of Martyrs with prints of men, women, and children expiring in flames; the nonsense, inconsistencies, and falsehoods of which, I have, in part, exposed in my letters to a prebendary. In revenge for this detection, the editors of the work have this year published it under my name; in consequence of which artifice, I have been considered and addressed by several persons as having lost my reason as well as my religion.

persecute with fire and sword every person of a different communion, is an essential part of the religion of Papists, his work is done: each man seems to feel the faggot blazing at his side, and his imagination is worked up to a phrenzy of indignation and bigotry. In this frame of mind nothing is more easy than to convince him that the admission of half-a-dozen Catholics into Parliament, or the signing of Commissions for them to do that which they already do, and which if they should cease to do, it is all over with the nation, (45,) namely, to fight for their king and country, would have the effect of causing him and every Protestant in the Empire to be burnt alive at the stake.

To break in pieces this favourite but cruel engine of real persecutors, the more cruel as it is disguised to represent a couch of down; in other words, to refute this barbarous calumny, I have demonstrated (46) that there is no tenet of the Catholic religion requiring Catholics to persecute those of another communion; and that, if many of their princes and others have been persecutors, it has not been in virtue of the doctrine of their church that they have been so; finally, that Protestants of all countries and communions have heretofore persecuted Catholics, (and in a great measure their dissenting brethren,) to as great an extent and with as great rigour as they have suffered persecution from Catholics. Hence I have con-

(45) It was a proverb amongst the Romans: Nec de Marsis, nec sine Marsis. It would be false to apply the first part of this saying to the Irish: but all statesmen, except their fellow countryman and once fellow Catholic, Dr. Duigenan, will agree that the latter part of it is applicable to them. See his speech.

(46) Letters to a Preb. on Persecution.

stantly

stantly and earnestly called upon my Protestant antagonist to join with me in shutting up for ever the sanguinary page, and mutually to forbear from the reproaches, either on account of the fires of Mary or the gibbets and knives of Elizabeth and her successors. (47.) This language and argumentation throws the serious Examiner into a paroxism of indignation. Amongst other expressions of the same kind, he exclaims: "Dr. Milner's impudent "and abominable way of justifying his church from ever "concurring in any capital punishment, is almost worse "than the thing itself." "The assertions now made," (in the oaths of Catholics,) "that, the persecution of "heretics and the power of the Pope to depose heretical "kings, are not doctrines of that church, are so notori- "ously false that they tend to cast an additional degree of "suspicion on the professions of those who make them." I believe they may in the estimation of the very bigoted, the very virulent, and very ignorant, but not in that of the candid, the charitable, and the enlightened part of the nation.

The Reverend Gentleman first appeals to the battered third canon of the IV Council of Lateran, made almost 600 years ago by the authority of the Emperors, Kings, and Princes there present, against certain monsters of such vice and impiety, (48), who, if they had not some how or other been suppressed, we, none of us, should have received a being; and hence he concludes that every Catholic is bound, by his religion, to destroy his Protestant neighbour, if he can! And yet he is at length forced to acknowledge that the canon in question, unlike the two which precede it, is not a decision of faith, and does not

(47) Letter to a Preb. on Persecution.

(48) Ibid. See also Mosheim's account of them above.

 regard

regard an immutable truth, but is a mere ordinance of discipline (49); but then he says that Catholics are bound to observe the discipline of the Church as well as to believe its doctrines, and he reminds me that I have published a certain pastoral letter, in which I have taught that it is not lawful for private individuals to alter this discipline, and that I have moreover sworn to observe the Apostolical decrees, ordinances, &c. To make short of this matter, I presume the Reverend Divine professes, and engages to observe the laws of the kingdom, but surely not all the laws which *ever were made* in the kingdom; for these, like the canons of discipline, being adapted to particular times and circumstances, will be sometimes found in opposition to each other. Again I presume he professes to observe the canons of his own Church. This being supposed, I would ask him, whether in his "common apparel abroad he wears a side gown "with sleeves straight at the hand, without curs, falling "capes, &c." Art. A. D. 1564. In like manner, when he took to himself a wife, as I presume he has, may he not have done this "without the advice and allowance "first had of the bishop and two justices of the peace, "and without the good-will of the parents of the woman, "or of the master or mistress where she serveth," as is required by the injunctions of Pope Queen Elizabeth; yes, Pope Queen Elizabeth; for so the great Protestant Doctor Kemnitius called her. And in fact, she prescribed articles of faith and discipline, and suspended or threatened her bishops more arbitrarily, than was the case with any Pope of Rome. But the divine will say these canons and injunctions are not now in force; why are they not in force? when to adopt his reasoning were they abro-

(49) Sequel, Page 26.

gated?

gated? they were not abrogated at all, he must reply; but they have become obsolete. I say the same with respect to the canons and decrees, which he objects to me; and I think that upon a point of this nature I am better qualified to pronounce than either Mr. Le M. or even Dr. D. I proceed a step farther and once more assert, that so far from being in actual force at present, the 3rd Canon of Lateran never was in force in this kingdom. To disprove my assertion, let these gentlemen mention any one English King or Prelate who ever published it, any one Lollard or Lutheran who was executed in virtue of it, or any one reference which is made to it in the Act de Hæretico Comburendo, passed in 1400, being the Act upon which they actually suffered. This is an answer to Mr. Le M. who ignorantly asks: "under what "decree of any council, if not of this, were Cranmer, "Ridley, and Latimer burnt?" (50) Why, under no decree of any council at all; but under that very Act of Parliament, just mentioned, by which these very Protestant bishops had previously burnt to death Lambert, Allen, Frith, Van Parr, Ann Askew, Joan Knell, and several other Protestants, precisely for being Protestants, which Protestants they themselves were at the same time in their hearts.

But whatever may be the case with other Catholics, the Rev. Examiner maintains that I at least, by the terms, *persequar et impugnabo*, in my consecration Oath, have bound myself to kill and burn all persons of a different communion from myself. In vain, by way of disclaiming this horrid, false, and malicious interpretation, have I referred my antagonist to classical authors and to his dictionary, in proof that the Latin word *persequi*, when taken

(50) Appendix, Page xxxii

alone,

alone, does not bear the odious sense which the word *persecute* conveyes to an English reader. He gives me to understand that the learned Hildebrand, to whom he ascribes the making of this Oath, did not understand good Latin, and that my Ainsworth, which is the large edition of 1751, differs from his. In vain have I referred to the laws of the Church, by which I am forbidden, under pain of irregularity, to take part in, or to promote the capital punishment of any person whomsoever. In vain have I pointed out to him the nonsense implied in his sense of the clause; which clause, according to him, means thus: "Hæreticos persequar," *I will burn all heretics to ashes;* "et impugnabo," *and then I will attack them.* (51) This Rev. Divine, instead of approving of my forbearance, pretends first to "tremble for my orthodoxy," (52) and then falls into a downright passion with me, exclaiming: "How does Dr. Milner venture to attempt this change "to censure the practice of ages? How does he dare thus "publicly to go contrary, not only to his official oath, "but also to his solemnly repeated declarations?" (53.)

(51) The absurdity of this interpretation was first pointed out by the late ven. Dr. Butler, A. B. of Cashel, but it is referred to by the late Pope, in his above quoted letter of June 23, 1791, to the Catholic prelates of Ireland. In this letter the Pope expressly disclaims "the malicious "interpretation," as he calls it of this clause, "as if it were "a signal of war, against heretics, authorizing persecution "and assault against them, as enemies: whereas, *the pursuit "and opposition to heretics*, which bishops undertake, refer "to their solicitude and efforts in convincing heretics of "their errors and in procuring their conversion." See Dr. Troy's Past. Inst.

(52) Page 25. (53) Page 28.

Why

Why really Mr. Le Messurier, supposing I have ventured to change the faith of my Church, and to go against an official oath, which in fact you think I am bound to go against, ought not you to congratulate with me, instead of reproaching me for having renounced the errors and practices of popery? Ah Sir, the motive of your and your friend's conduct is too manifest: you are well aware that if I am charitable, you have no pretext for being uncharitable: if I am proved to be no persecutor, you will be forced to give up the language and practices of persecution in future. You have examined me very strictly with respect to obligations of my consecration oath: permit me, in my turn, to remind you of one of your ordination oaths; leaving it to your own conscience and the judgment of the reader, how far the tenor of your pamphlet corresponds with it. "Will you," said the bishop who ordained you priest, "maintain and set forwards, as much as in you lieth, quietness, peace, and "love amongst all men?" To this solemn adjuration you then answered; "I will so do; the Lord being my helper." (54.)

Driven from his entrenchments of councils and consecration oaths, the Rev. Examiner endeavours to make a stand upon matter of fact, and boldly maintains that the Catholics who were put to death in England during the reigns of Elizabeth and her successors, suffered for treason, and not on account of their religion. But I have forestalled and beat to the ground his lame arguments by the most authentic and decisive authorities, Protestants as well as Catholics; and I have demonstrated, that during the space of above one hundred years, that is to say, from

(54) Form of ordering priests.

the

the year 1577 down to the year 1679, a most cruel persecution raged against Catholics, laymen as well as priests, in this kingdom, in the course of which some hundreds of them were put to death unconvicted and unaccused of any other crime except the saying or hearing of mass, the receiving of Catholic orders, denying the spiritual supremacy of the crown, or embracing the Catholic communion. Indeed a glance at the statute book, without any historical research at all, is sufficient to prove that Protestants, no less than Catholics, have heretofore exercised real and barbarous religious persecution, and that therefore both parties ought to forgive each other at the present day and cease from mutual reproaches on this most acrimonious and inflammatory of all topics. Still my adversary has refused to acknowledge the incontestible fact, in other words, to abandon his last ground for persecuting Catholics. I then shifted my battery and questioned him to this effect: if it was not on the principle of religious persecution, that the Catholics were put to death by our ancestors in the sixteenth and seventeenth centuries; pray upon what ground were the Arians, Anabaptists, and Independants, a long list of whom I exhibited, put to death by these ancestors during the same period? Here the Examiner was obliged to give in. He confessed that this was real religious persecution; but he said that the actors in it, "though Protestants, acted upon Popish principles." (55.) It would be an easy task to shew that these men, being the heads and founders of the reformation, acted upon their own avowed principles, (56) but it really exceeds

(55) Appendix, Page xxxiii.

(56) Beza's Book De Hereticis Puniendis, on the occasion of Calvin's burning Servetus, proves, that all the heads of the

ceeds the bounds of human patience to be forced to argue with such disingenuous disputants as are Mr. Le Messurier and his congenial controvertist Mr. Churton: *Qui Bavium non odit, &c.*

Passing over then a great number of false and malicious facts, (57,) as well as inconclusive arguments and unwarranted assumptions (58), I shall conclude all controversy,

the Reformation, no less than Calvin maintained the persecuting doctrine. Who does not know that Cranmer inculcated to Edward VI the obligation of kings avenging the cause of God by putting his enemies to death? Sandys, bishop of London, published the same doctrine by order of Elizabeth. The Calvinists of the Low Countries in their remonstrance to the Magistrates, confessed the lawfulness of punishing those who teach false doctrine. Those of France in their Synod of Fauxbourg St. Vincent condemned the tenet of toleration. See Gerard Brandt's Hist. Ref. Liv. 5. How many fasting days did not the Puritans appoint and observe, during the rebellion, to atone for the crime of toleration! See Hist. of Church of England and Scotland, Vol. III. Page 234. I never heard that any of these doctrines or decisions were formally retracted; but I do not thence infer that Protestants of the established Church, or Dissenters are now persecutors whilst their professions and practice prove the contrary.

(57) Such as that a certain congregation at Rome takes the joint title; *Pro propagandâ fide et pro Exterminandis Hæreticis.* See Sequel, Page 70.

(58) As for example that the conversion of 100 persons to the Catholic faith, and the evidence I have adduced, that a certain supernatural cure has been effected, are proofs of the darkness of the age. This is begging the question in both instances.

as I hope, for ever, with the Rev. Mr. Le Messurier, after suggesting to him the following important consideration. Supposing, Sir, the Papists to be the rank jacobins you describe them to be; supposing the king-deposing and king-killing doctrines to form an essential part of their religion, and that, in short, they do wish for the dethronement of the King, as you so loyally and charitably assert; yet have not the King and the Country, at this present time, other enemies equally malicious, and still more formidable than Papists are? Hence may it not be the part of sound policy to play off the last mentioned against the former, by means of some little forbearance and indulgence shewn to them, so far at least as to cease from irritating them by acrimonious sermons and pamphlets, to let them quietly enjoy the degree of power which the laws have given them, to let them by due authority fight the common battles of the country and to give the poorer sort of them an interest in defending the land they live in? If you answer *No*, as I very much fear you will, to each part of this question;—Why then, Sir, act a consistent part; and do not fall under your own censure "by foolishly "halting between two opinions:" (59) Use your interest with the members of the legislature to withdraw that degree of power, which contrary to your sentence, (60) it has actually granted to Irish Papists, by the Act of 1793: use your interest with the Government, as Mr. Grattan advised your friend Dr. Duigenan, (61,) to turn out of the Navy and Army those 200,000 disloyal and dastardly Popish sailors and soldiers who now fill them: and finally, use your interest with the orange man-hunters

(59) Page 84. (60) Page 14.

(61) See his Speech on the Catholic Question.

of

of Ireland to finish the great and good work of absolute universal extermination of its Popish population begun by their predecessors the Oliverians. (62.)

N. B. For the sake of perspicuity, and to prevent overloading a page which is generally too full of quotation, when I have occasion to cite any proposition which is clearly and unconditionately made by an author whether friend or foe, I do not always think it necessary to quote other separate propositions which may be interwoven with that or the reasoning, good or bad, upon which he may support that proposition. And this, I maintain, is the practice of other, the fairest writers; as likewise of lawyers in their proceedings. Now in consequence of some of my quotations being thus abbreviated, but without a single instance of the suppression of any exception or explanation, which served to qualify them, these disingenuous controvertists, Messrs. Le Messurier and Churton, (resolved as they are, upon overwhelming me with clamour and obloquy,) have set up a cry against me on the score of *garbling;* a fraud which I detest as much as I do any other literary fraud. Did I make false references, or put into their mouths speeches which they never made, they would have the same reason to complain of me that I have to complain of them.

(62) Dr. Currie in his Review of the Civil Wars of Ireland proves that, about the time of the rebellion in England, there was a settled plan proposed, and in part followed up by leading men in Ireland for destroying all its Catholic inhabitants. The signal of battle amongst some of these predestinated murderers was (O horrid association!) "Jesus "and no Mercy:" and when they stabbed little children (as they also did lying-in women) they observed that "nits will "be lice." Vol. 1. Page 266.

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